

2026



JUSTICE

Vol.41 ACTUALITÉS – REPORT No.1

CANADIAN CRIMINAL JUSTICE ASSOCIATION – ASSOCIATION CANADIENNE DE JUSTICE PÉNALE

**From the Gallows to Death by Incarceration:
Rethinking Life Sentences 50 Years After the Abolition of the Death Penalty**

**De la pendaison à la mort par incarcération :
Repenser les peines à perpétuité 50 ans après l'abolition de la peine de mort**

Part One | Partie 1

Part Two in Vol. 41.2 | Partie 2 au Vol. 41.2



GUEST EDITORS // RÉDACTEURS INVITÉS



**DANI KOURI &
MICHEL GAGNON**

ONLINE - EN LIGNE : CCJA-ACJP.CA

The JUSTICE REPORT contains information of value to Association readers and the public interested in matters related to the administration of justice in Canada. Opinions expressed in this publication do not necessarily reflect the Association's views, but are included to encourage reflection and action on the criminal justice system throughout Canada.

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L'ACTUALITÉS JUSTICE renferme des renseignements utiles aux lecteurs de l'Association et au public qui s'intéressent aux questions relatives à l'administration de la justice au Canada. Les opinions qui sont exprimées ne reflètent pas nécessairement les vues de l'Association, mais y figurent afin d'encourager à réfléchir et à agir sur la justice pénale dans tout le Canada.

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ISSN 2563-3449 (Print) ISSN 2563-3457 (Online)

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Cover page: Excerpt from Colour image (Menjia & Mountain Rock Woman);
Black/white images (Office of the Correctional Investigator, 2023-24)

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EDITORIAL

DANI KOURI & MICHEL GAGNON

Guest Editors

As of 2026, it has been 50 years since Canada removed the death penalty as the most severe punishment in criminal law and replaced it with the life sentence. The government could no longer cause the death of a person as a punishment for extreme forms of harm, such as murder. Instead, it gained the power to imprison, supervise, and control a person until the end of their life.

The abolition of the death penalty in Canada in 1976 reflected an effort to make the justice system more humane. However, lived experience, research, and frontline work raise serious concerns about whether that goal has been achieved. Life sentences have proven costly, ineffective, inhumane, and... deadly. Many now see the long-term incarceration and human rights violations as death by incarceration.

These special issues of the *Justice Report* (41.1 and 41.2) present personal reflections, academic articles, poems, paintings, drawings, music, infographics, and short stories. People with a life sentence share insights into who they are within and beyond the “lifer” label. Researchers, advocates, and frontline workers explain the increasingly harsh policies and practices, and their broader social impacts. The artistic pieces invite readers to experience a life sentence through different mediums.

Individually, each contributor presents their own experience. Together, the contributions reflect realities shared across local, national, and international contexts about whether being

sentenced to life is better than being sentenced to death. They also highlight how factors like ability, age, ethnicity, gender, and income can shape who enters the justice system and what they experience once in it.

As Guest Editors, our aim is to encourage reflection on whether life sentences, as currently imposed and administered, still reflect the values that motivated the abolition of the death penalty. We seek to amplify and contribute to the advocacy, resistance, and collective action of people inside and outside prisons. While meaningful reforms and improvements have been made, unresolved questions and persistent failures remain – and they demand our collective attention. By bringing these perspectives together, we invite readers to consider questions such as:

Did Canada truly abolish the death penalty?

Is a life sentence a meaningful response to harm?

What do we want for the next 50 years?

Many people with a life sentence have caused profound harm. Some have been wrongfully convicted. All are human beings entitled to dignity and human rights. Holding these truths together can be difficult but is necessary. The purpose of these issues is not to minimize harm or accountability. Rather, it is to affirm that accountability and human rights are not mutually exclusive, and that a system claiming to value human life must be willing to examine the harms it causes in the name of justice and public safety.

We are deeply grateful to all those who contributed to these special issues, as well as to those who wanted to but were unable. We hope the realities shared bring context, complexity, and humanity to conversations marking this 50th anniversary, and as we imagine what justice could, and should, look like in the decades ahead.

These reflections will continue in the next issue of the *Justice Report* (41.2).



ÉDITORIAL

DANI KOURI & MICHEL GAGNON

Rédacteurs invités

En 2026, cela fait 50 ans que le Canada a retiré la peine de mort comme sanction ultime en droit criminel et l'a remplacée par l'emprisonnement à perpétuité. L'État ne pouvait plus imposer la mort comme sanction pour des crimes graves, notamment le meurtre. Il a plutôt acquis le pouvoir d'incarcérer, de surveiller et de contrôler une personne à vie.

L'abolition de la peine de mort au Canada en 1976 reflétait une volonté de rendre le système de justice plus humain. Toutefois, l'expérience vécue, la recherche et le travail de première ligne soulèvent de sérieuses questions sur l'atteinte de cet objectif. Les peines à perpétuité se sont révélées coûteuses, inefficaces, inhumaines – et mortelles. Nombreux sont ceux qui considèrent désormais l'incarcération à long terme et les atteintes aux droits humains qui en découlent comme une mort par incarcération.

Ces numéros spéciaux de l'*Actualités Justice Report* (41.1 et 41.2) présentent des réflexions personnelles, des articles universitaires, des poèmes, des peintures, des dessins, de la musique, des infographies et des nouvelles. Des personnes purgeant une peine à perpétuité partagent ce qu'elles sont, au-delà et à l'intérieur de l'étiquette de « condamné à vie ». Des chercheurs, des militants et des intervenants de première ligne expliquent le durcissement des politiques et des pratiques, et leurs effets sociaux élargis. Les œuvres artistiques invitent les lecteurs à faire l'expérience de la perpétuité à travers différents médiums.

Pris individuellement, chaque auteur ou autrice présente sa propre expérience. Collectivement, les contributions révèlent des réalités partagées à

l'échelle locale, nationale et internationale, tout en se demandant si une condamnation à perpétuité n'est pas moins injuste et malheureuse qu'une condamnation à mort. Elles mettent également en lumière la manière dont des facteurs comme les capacités, l'âge, l'origine ethnique, le genre et le revenu influencent l'entrée dans le système de justice et l'expérience qu'on y vit.

À titre de rédacteurs invités, nous souhaitons susciter une réflexion sur la question de savoir si la perpétuité, telle qu'elle est appliquée aujourd'hui, reflète encore les valeurs à l'origine de l'abolition de la peine de mort. Nous cherchons à amplifier et à soutenir les démarches de revendication, de résistance et d'action collective, tant à l'intérieur qu'à l'extérieur des prisons. Bien que des réformes et des améliorations importantes aient été apportées, des questions non résolues et des échecs persistants demeurent et exigent une attention collective. En réunissant ces points de vue, nous invitons les lecteurs à réfléchir à des questions telles que :

- Le Canada a-t-il réellement aboli la peine de mort ?
- La perpétuité constitue-t-elle une réponse juste et équitable au préjudice causé ?
- Que souhaitons-nous pour les 50 prochaines années ?

De nombreuses personnes condamnées à perpétuité ont causé des préjudices profonds. Certaines ont été condamnées à tort. Toutes sont des êtres humains ayant droit à la dignité et aux droits de la personne. Tenir ensemble ces vérités peut être difficile, mais demeure essentiel. L'objectif de ces numéros spéciaux de l'*Actualités Justice Report* n'est pas de minimiser le préjudice ni la responsabilité. Il s'agit plutôt d'affirmer que la responsabilité et les droits humains ne sont pas incompatibles, et qu'un système qui prétend valoriser la vie humaine doit être prêt à examiner les torts qu'il cause au nom de la justice et de la sécurité publique.

Nous exprimons notre profonde reconnaissance à toutes les personnes ayant contribué à ces numéros spéciaux, ainsi qu'à celles qui auraient souhaité le faire. Nous espérons que les réalités présentées apporteront contexte, discernement et humanité aux discussions entourant ce 50^e anniversaire, et qu'elles nourriront la réflexion sur ce que la justice pourrait – et devrait – devenir dans les décennies à venir.

Ces réflexions se poursuivront dans le prochain numéro de l'*Actualités Justice Report* (41.2).

DANI KOURI & MICHEL GAGNON

Rédacteurs invités

DANI KOURI

I was first introduced to the Canadian context of life sentences in university, but it was my professional and volunteer work, along with personal relationships, that taught me about the lived realities of people serving life sentences. Through various roles I've held at St. Leonard's Society of Canada (SLSC) since joining the team in 2017, I have contributed to research and the development of resources related to supporting people with life sentences, building on the decades of dedication and advocacy that define the LifeLine legacy. Since 2018, I have volunteered with the Lifers' Liaison Group (LLG, formerly the Millhaven Lifers' Liaison Group), through which we meet regularly with groups led by people who have life and long-term sentences in federal prisons, offering up-to-date information, community connections, and hope.

Building on this work, I am co-leading inteGREAT, a new joint initiative between SLSC and LLG launching this year. The project will establish a system-navigation service that brings together partners and strategies to improve access to legal information, education, and resources. Our initial focus is on developing and implementing solutions to respond to the needs of people in Ontario with indeterminate sentences (i.e., life sentences and those labeled as "Dangerous Offenders"), as well as the professionals and organizations that support their case management and community integration.

I am a queer person of British and Lebanese descent currently living in Kingston, Ontario. I was born into a military family, growing up across Ontario and overseas. I have an Honours Bachelor of Social Science from the University of Ottawa. It has always been important to me to prioritize learning not just from research and data, but from the lives and experiences of people too often reduced to high-level summaries and statistics.

MICHEL GAGNON

FR : Michel Gagnon détient une maîtrise en service social (Université Laval). Il est impliqué auprès des personnes âgées judiciairisées et marginalisées depuis plus de 30 ans. Ancien directeur général de la corporation Maison Cross Roads. Montréal, Québec), il a mis en place une gamme de services pour les personnes sentenciées à perpétuité (Service Option Vie/LifeLine) et pour les personnes âgées judiciairisées, dont des services résidentiels et la conception d'un programme d'intervention géronto-criminologique. À présent, il est conseiller expert au sein du Centre de recherche et d'expertise en gérontologie sociale (CREGÉS) à Montréal et vice-président de l'Association canadienne de justice pénale (ACJP).

EN: Michel Gagnon holds a Master of Social Work (Université Laval). He has been involved with justice-involved seniors and marginalized individuals for over 30 years. Former Executive Director of Maison Cross Roads (Montreal, Quebec), he established a range of services for individuals serving life sentences (Service Option Vie/LifeLine) and for justice-involved seniors, including residential services and the design of a geronto-criminological intervention model. He is currently an expert advisor at Montreal's Centre for Research and Expertise in Social Gerontology (CREGÉS) and Vice-President of the Canadian Criminal Justice Association (CCJA).



CREDIT: Merris Centomo

Left to right: Michel Gagnon and Dani Kouri

FROM CAPITAL PUNISHMENT TO MANDATORY LIFE SENTENCES: CANADA'S MOST SEVERE PUNISHMENT

DANI KOURI & MICHEL GAGNON

On the territories of Turtle Island now known as Canada, the colonial authorities introduced laws and institutions to uphold their ideologies and enforce control over Indigenous Peoples, lands and other resources, as well as the broader settler population.

Today, Canadian courts impose sentences in response to harm within a legal system maintained and administered by the Government of Canada, in which definitions of criminalized behaviour and associated penalties shift over time.

Before its abolition in 1976, the death penalty was the most severe legal punishment in Canadian criminal law. It was applied primarily to people convicted of “capital murder”, a narrowly defined category of homicide established through Criminal Code reforms in 1961.

Capital murder included murders that were both planned and deliberate, murders of police officers or prison guards in the line of duty, and certain murders connected to other serious acts. All other murders were classified as “non-capital murder” and carried a mandatory sentence of life imprisonment.

Following abolition, the use of life imprisonment – commonly referred to as a “life sentence” – was expanded and reshaped as the most severe punishment. The legal distinctions between capital and non-capital murder were replaced by the categories of first- and second-degree murder.

Today, convictions for murder, as well as some other acts (e.g., “high treason”), carry a life sentence with parole eligibility set between 10 and 25 years. Once eligible for parole, individuals can apply to continue serving their sentence in the community under parole supervision.

Individuals convicted of certain other acts may be labeled as a “Dangerous Offender” by the courts and can be sentenced to indeterminate imprisonment with parole eligibility set at 7 years. While different from life sentences, indeterminate sentences function similarly in practice.

For both a life sentence and an indeterminate sentence, release to the community is never guaranteed. If parole is granted, the individual is given release conditions. If the conditions are not followed, the individual can be returned to custody.

Except in the rare cases of exoneration, a person with a life or indeterminate sentence will remain under the supervision and control of Correctional Service Canada and the Parole Board of Canada – until their death.

DE LA PEINE CAPITALE AUX PEINES D'EMPRISONNE- MENT À PERPÉTUITÉ OBLIGATOIRES : LA PUNITION LA PLUS SÉVÈRE AU CANADA

DANI KOURI & MICHEL GAGNON

Sur les territoires de l'Île de la Tortue aujourd'hui appelés le Canada, les autorités coloniales ont instauré des lois et des institutions visant à soutenir leurs idéologies et exercer un contrôle sur les peuples autochtones, les terres et les autres ressources, ainsi que sur l'ensemble de la population de colons.

Aujourd'hui, les tribunaux canadiens imposent des peines en réponse aux préjudices causés, dans un système juridique maintenu et administré par le gouvernement du Canada, où la définition des comportements criminalisés et des sanctions associées évolue au fil du temps.

Avant son abolition en 1976, la peine de mort constituait la sanction juridique la plus sévère en droit criminel canadien. Elle s'appliquait principalement aux personnes reconnues coupables de « meurtre qualifié », une catégorie d'homicide étroitement définie établie par les réformes du Code criminel de 1961.

Le meurtre qualifié comprenait les meurtres à la fois prémédités et délibérés, le meurtre d'agents de police ou d'agents correctionnels dans l'exercice de leurs fonctions, ainsi que certains meurtres commis en lien avec d'autres infractions graves. Tous les autres meurtres étaient classés comme des cas de « meurtre non qualifié » et entraînaient une peine obligatoire d'emprisonnement à perpétuité.

À la suite de l'abolition, le recours à l'emprisonnement à perpétuité – communément appelé « emprisonnement à perpétuité » – a été élargi et redéfini comme la sanction la plus sévère. Les distinctions juridiques entre meurtre qualifié et non qualifié ont été remplacées par les catégories de meurtre au premier et au deuxième degré.

Aujourd'hui, les condamnations pour meurtre, ainsi que certaines autres infractions (p. ex., la « haute trahison »), entraînent une peine d'emprisonnement à perpétuité, avec une admissibilité à la libération conditionnelle fixée entre 10 et 25 ans.

Une fois admissibles, les personnes peuvent présenter une demande de libération conditionnelle afin de poursuivre l'exécution de leur peine dans la collectivité sous surveillance.

Certaines personnes reconnues coupables d'autres infractions peuvent être désignées « délinquants dangereux » par les tribunaux et condamnées à une détention de durée indéterminée, avec une admissibilité à la libération conditionnelle après 7 ans. Bien que distinctes, ces peines fonctionnent de manière similaire dans la pratique.

Dans les deux cas, la mise en liberté dans la collectivité n'est jamais garantie. Si elle est accordée, des conditions strictes s'appliquent, dont le non-respect peut entraîner un retour en détention.

Sauf dans les rares cas d'exonération, une personne purgeant une peine d'emprisonnement à perpétuité ou de durée indéterminée demeure sous la surveillance et le contrôle du Service correctionnel du Canada – et, le cas échéant, de la Commission des libérations conditionnelles du Canada – jusqu'à son décès.

Freedom Deferred

WARREN MCDUGALL

Warren McDougall, a Registered Professional Counsellor (RPC) and Certified Clinical Trauma Professional (CCTP), traces a lifeline shaped by trauma, survival, and transformation – from childhood victimization and systemic failure to a life sentence, and ultimately, to healing and public service. He argues for a justice system that acknowledges early adversity and prioritizes trauma-informed, restorative responses over punishment. Despite decades of rehabilitation and leadership, McDougall remains on life parole – evidence that Canada’s justice system ultimately refuses to admit the possibility of redemption. Yet McDougall is living proof that restoration not only works but is essential to fixing Canada’s justice system, as research confirms that most federally incarcerated people were themselves victims of early violence and neglect.

INTRODUCTION: THE TRUTH I’VE LIVED

The blinding, flashing blue and red lights of the police cruiser seemed angry and terrified me. My heart was pounding, my mind racing, as I remembered my parents’ warnings – born from an inherited fear of authority stemming from both my Russian Doukhobor and Indigenous-Irish backgrounds. It struck me how that experience – the police finding me wandering the streets at 3 a.m., only 4 years old, and delivering me safely home – didn’t reconcile with what I expected based on my parents’ teachings. If only I knew what was to come...

Fifty-three years later, on life parole, I am contemplating how we abolished execution in 1976 – trading the noose for the notion of hope. But for many serving life, this only made the rope longer. Canada created a sentence that promises life, but often only delivers constrained survival, and it maintains a silence around childhood suffering that becomes a life sentence long before the courts ever stamp a file. This is the truth I’ve lived – and what I now work to change.

TRAUMA AND THE MAKING OF A LIFER

The real sentence began in a childhood steeped in generational trauma and profound systemic neglect. My parents, scarred by their own experience, taught me that it was unsafe to be me – denying me the chance to hold my Indigenous or Russian identities, forbidding me from learning my grandmothers’ languages and cultures. I was left with no roots, no place to fit in.

They did their best, and I know they loved me. I learned to fish, hunt, garden, sew, play music, and run equipment and machinery, all at a young age.



WARREN MCDUGALL

Warren McDougall is an Indigenous counsellor, consultant, and trainer specializing in trauma, restorative justice, and cultural safety. A survivor of intergenerational and systemic trauma, he provides counselling services, professional training, and systems consultation that bridge healing and justice reform. McDougall is a Registered Professional Counsellor (RPC) and Certified Clinical Trauma Professional (CCTP). Through his practice, *Way of the Raven Consulting*, he supports Indigenous-governed authorities, public-sector bodies, and community organizations – delivering trauma-informed and culturally grounded approaches that restore dignity, strengthen belonging, and promote safer, more compassionate systems of care.

They had good values, strong morals, and the best intentions. But when their trauma was triggered, and their frontal cortex went offline, all of that abruptly disappeared and was replaced with chaotic, reactive survival patterns. And they hurt us.

I had two brothers – one two years younger and the other eight years younger. Us two older brothers often felt and shared the sentiment that we were alone against the world.

At school we were exiles. We moved frequently throughout the province. I was precociously intelligent and younger than my peers, making me a prime target for constant bullying. My closest brother, unable to constrain his rage and resentment about our life, was his own worst enemy as he provoked and reacted to those who targeted us.

When family and school systems failed to protect or nurture us, the resulting trauma forced me to find some way to survive. After years of shutting down, hiding, and isolating, I finally reached a point of explosive rage. One day after school, to protect my brother, I beat up the biggest bully in the school. It was an act of desperation, a twisted victory that ironically helped me achieve safety by reflecting the violent lessons from my father, who had been beating us up to "teach us to be more like a man" and stand up to bullies.

This moment was a pivotal turning point, where my internal pain externalized into violence, and achieved the safety I had been yearning for so long. This tragic learning founded the trajectory that the justice system would later pathologize and punish with a life sentence. And I didn't save my brother after all. He died from an overdose while undergoing treatment in a detox facility at the age of 24.

The "tough on crime" narratives fundamentally miss this reality. Every institution – from child services to the penal system – didn't just neglect the wounds of trauma; they actively poured fuel on the fire. Rooted in archaic misapprehensions of violence, the system mistook the tragic consequence – my behaviour – as being the primary cause of the problem, moralistically and willfully ignorant of the fact that the nature of the punitive environment only exacerbates existing trauma and its reactive fight-or-flight survival patterns. Each time I was incarcerated,

I came out more hurt, more confused, more isolated, and more aggressive than I had been when I entered those systems of "correction."

Childhood and teenage victimization among incarcerated people

96% of Indigenous women

86% of Indigenous men

90% of white women

79% of white men

— Sandra Bucerius, Director, Centre for Criminological Research, University of Alberta (as cited in Perrin, 2023)

Research in Alberta corroborates my personal story. "[T]he victimization rates for incarcerated populations are much higher than in the general population," wrote Professor Sandra Bucerius, director of the Centre for Criminological Research at the University of Alberta.

As cited in Benjamin Perrin's *Indictment: The Criminal Justice System on Trial* (UTP, 2023), Bucerius found that among Alberta's incarcerated population, 95% of Indigenous women, 86% of Indigenous men, 90% of white women and 79% of white men experienced violent victimizations, the majority of which occurred during childhood and adolescence. My ACE¹ score was 9, if you know what that means.

THE TURNING POINT

Decades after I first felt that fleeting safety, in my fourth and final term of incarceration, I found myself desperate. I had a young daughter and, for the first time since losing my brother, I felt a sense of responsibility for another human being. I learned about the statistics for girls who have a distant or abusive relationship with their fathers, and I was driven to get out and be there for her. I saw a poster for the Alternatives to Violence Project (AVP), a three-day, restorative-justice workshop. My cynical intent was simple: go in there, warm the seat, scam a certificate to improve my file, and use that as leverage for getting out. I expected to game the system; instead, I experienced a profound turning point in my life.

1. ACE stands for *Adverse Childhood Experiences*, a measure of early-life trauma developed in a major public health study. Scores range from 0 to 10 based on exposures such as abuse, neglect, and household dysfunction.

The workshop became a crucible of radical awakening. Those five volunteers walked courageously through my shame and rage, recognizing only my dignity and value as a human being. Initially, I was incredulous. How could these strangers see me, as a lifer in a penitentiary, as worthy? Over the weekend my internal narrative shifted from one of shame, rage and perpetual isolation to one of hope, connection, purpose, and self-worth. There came a crucial realization that my past did not have to determine my future and that I might still offer something of value to society. That weekend, I made a vow which became the foundation for my future. I would do what I could, in my little sphere of influence, to make this a better world.

THE POWER OF RESTORATIVE JUSTICE

The transformation catalyzed in that workshop 26 years ago grew into a lifelong commitment to service. While incarcerated, I served my peers as a group representative, a peer counselor, and a peer advocate. Today, after 14 years on parole, I am a professional counsellor, consultant, and trainer on trauma and restorative justice. I have taken the deepest pain (childhood victimization) of my life and turned it into a professional toolkit for supporting the healing of others and preventing harm.

I do this work in part for my own continued healing, and in part to give back. I do it to honour my brothers, who never had a chance. My youngest brother died at age 34, the day I was approved for unescorted temporary absences. We talked about our hopes of reuniting, rebuilding our brotherhood, and then he died in his sleep while I dreamt of seeing him again.

I've been involved in many pilots over the years, inside and out. Peer counseling, peer advocacy, restorative justice as an institutional disciplinary response, and trying to shift the approach of Gladue reporting to omit the sordid details of an accused's history given the judicial notice recognizing the historic and ongoing trauma of colonization as a significant factor in the overrepresentation of Indigenous Peoples in the criminal justice system – and, I would add, the child welfare system.

Perhaps my proudest contribution to date is spearheading a three-year pilot program for the

First Nations Health Authority (FNHA). This initiative was designed to bring clinical support for trauma and addiction directly onto reserves, specifically targeting people who were unwilling or unable to engage with traditional mental health resources due to deep-rooted shame, stigma, and lateral violence. That pilot became a standing program, which is rare for FNHA pilots.

My personal experience allows me to connect with those relatives in a way a clinician without lived experience simply cannot. I am a leader in healing the very communities I was once exiled from and helping them to understand it is not their fault they are weathering this storm, but it is their responsibility to learn to navigate their way out of it – healing for themselves, for their ancestors, and for future generations. My life is evidence that restoration is not just a hope, but a tangible, measurable resource that can benefit society.

PUNISHMENT WITHOUT PURPOSE

Despite this profound transformation and the rich contributions I now make toward improving community wellness and safety, I remain under a life sentence – a sentence defined today by endless, arbitrary supervision. As a professional consultant leading complex, community-based recovery and healing, the level of supervision I am required to maintain seems absurd and frustrates my reintegration. I am still required to check in with my parole officer every three months. This isn't about me accessing needed support services or resources and, now that my trauma is resolved, it isn't about managing my negligible risk to public safety.

It's about the system prioritizing arbitrary, bureaucratic compliance over the work of healing communities and, ultimately, public safety. There used to be a system called Reduced Parole, where reporting could be limited to once every year or two. That was abolished when someone under that level of supervision reoffended.

Today, when I have to pause my professional service to attend this ritual check-in, the message is clear, and it is reinforced by the reflections I hear from my professional colleagues, my family, and my friends, who also don't understand the requirements of my ongoing parole: the system does not believe in my redemption. It remains rooted in archaic,

moralistic judgments, failing to understand trauma as a significant factor in criminal behaviour, and fundamentally rejecting the reality of genuine rehabilitation – one of the legislated principles guiding federal corrections in Canada, second only to public safety.

WHAT THE NEXT 50 YEARS COULD LOOK LIKE: THERE MUST BE A BETTER WAY

The abolition of capital punishment was a moral victory 50 years ago. One of the pressing reasons for this policy change was recognizing that many people had been put to death for crimes they didn't commit. The next 50 years must be dedicated to similar evolution. We need to ensure that the life sentence does not become its own moral failure by extending punishment, denunciation, and mandatory supervision beyond what is needed to ensure public safety. My dream is that the Canadian justice system will finally integrate a comprehensive understanding of trauma's impact into its policies.

This means allowing people who have truly healed, reformed, and become contributing members of society – people whose transformation is measurable through decades of established membership in society – to seal their record and enjoy the full freedoms of citizenship. This is what redemption could look like. Let us choose a future where justice is defined by our capacity to restore, not by our dependence on perpetual control.

RÉSUMÉ

FREEDOM DEFERRED WARREN MCDUGALL

Warren McDougall, conseiller professionnel agréé (RPC) et spécialiste certifié en traumatologie clinique (CCTP), retrace un parcours façonné par le traumatisme, la survie et la transformation – de la victimisation durant l'enfance et de défaillances systémiques à une peine à perpétuité, puis à la guérison et au service public. Il plaide pour un système de justice qui reconnaît les traumatismes précoces et privilégie des réponses réparatrices sensibles aux traumatismes plutôt que la punition. Malgré des décennies de réadaptation, d'engagement et de leadership, McDougall demeure sous libération conditionnelle à perpétuité – preuve que le système de justice canadien refuse d'admettre la possibilité de rédemption. Pourtant, McDougall est la preuve vivante que la restauration fonctionne et qu'elle est indispensable pour corriger les défaillances du système de justice canadien, comme le confirment les recherches montrant que la majorité des personnes incarcérées sous responsabilité fédérale ont elles-mêmes été victimes de violence et de négligence précoces.

Parole-for-Life in Canada: Where Punishment Never Ends

NYKI KISH

*Drawing on interviews from her study *Parole-for-Life: A Qualitative Inquiry into the Canadian Life Sentence*, Nyki Kish (2024) examines how Canada's life-means-life sentencing regime extends punishment indefinitely, violating the legal principle that the correctional system is reintegrative. She shows that people on parole for life – often sentenced as youth and disproportionately Indigenous – experience lifelong punishment, the reach of which extends far beyond lawful limits. Life sentenced individuals are confined to small geographic areas where their movement and their relationships are intensely regulated and monitored. These conditions perpetuate a deep social exclusion, trauma, and constant fear of reincarceration, alongside the near impossibility of living beneath restrictive conditions despite long-term stability on parole. Kish emphasizes the legal tension that while it is legally possible to remove for life sentenced people to achieve 'parole reduced' status, where conditions are few and reintegration is assumed, this rarely happens in practice. She argues for ending the life sentence's permanence through coordinated regulatory, policy, and legislative reform that create pathways for reintegration based on time and behavior in the community.*

IN CANADA, LIFE MEANS LIFE

Life sentences in Canada are the harshest sentence permissible under the Criminal Code. Here, life means life. Life sentences are imposed as a mandatory minimum penalty that lasts until the person's death: people must stay in penitentiaries or in the community on restrictive forms of parole from the day they are sentenced until the day they die (Parole Board of Canada, 2025), regardless of how young they were when convicted. Every life-sentenced person is given a parole ineligibility period of not less than 10 years and not more than 25 years in prison¹. The eventual hope of parole represents the most freedom they can ever attain.

But what happens to those who gain parole? In the 50 years since life sentences have formally replaced the death penalty, parole has become increasingly restrictive and harsh, and many individuals have now lived and died beneath the conditions of parole for life. While the law allows for most conditions to be lifted over time, in practice, this rarely occurs – entrenching the practice of forever punishment.

This brief contribution encourages readers to grapple with the ethics of perpetual punishment by summarizing one key finding from *Parole for Life*, a qualitative research study conducted to gain insight into the impacts of the life sentences. The research finds that Canada keeps people under harsh and



NYKI KISH

Nyki Kish is a PhD student at the University of Victoria and 2025 Vanier Scholar. She also works as the Co-Executive Director of the Canadian Association of Elizabeth Fry Societies and is a co-founder of the Center for Research into the Processes, Outcomes, and Impacts of Incarceration. Nyki's work focuses broadly, and across sectors and disciplinary approaches on the study of law and incarceration in Canada.

¹. With a minimum of 25 years for every person sentenced to first degree murder, where a death was premeditated.

restrictive parole conditions for their lifetimes regardless of their behavior, accomplishments, and time spent on parole. It finds that the way parole-for-life sentences is being administered violates the law and produces very adverse outcomes for people, including intense isolation and lives characterized by fear, and this contribution highlights the permanent geographic confinement that life sentenced people face.

The practice of perpetual punishment with no opportunity for relief, within a system that purports to be rehabilitative, casts a grim picture of how Canada has decided to ‘do justice’. Perpetual punishment contradicts the legal foundations of the Canadian prison system, that it is reintegrative, by denying the possibility to Canada’s growing life sentenced population.

THE POORLY STUDIED, WIDELY IMPOSED CANADIAN LIFE-SENTENCE

As of 2024, 27.8% of federally sentenced people in Canada had life/and or indeterminate sentences (Public Safety, 2024). Life-sentences have been poorly studied, both within institutions and in the context of parole. There is no dedicated policy or research into the impacts of being on parole for life. This neglect has led to the nature and impacts of lifelong parole being subjected to virtually no scrutiny. Globally, scholars are beginning to problematize the inherent justness of life sentences across myriad considerations (Van Zyl Smit & Appleton, 2019), yet Canada has notably been excluded from this analysis due to a lack of available data.

Glaring problems surface, however, with even a cursory exploration of the life or indeterminate sentence. While public imagination often characterizes life-sentenced people as archetypal dangerous Others who represent ‘the worst of the worst’ (Kish & Humphrey, 2024), approximately 80% of all people sentenced to life are convicted of second-degree murder, where a death occurred but was not pre-meditated (CCRSO, 2024). There are also alarming concentrations of racialized populations (CCRSO, 2024, Kish 2024) and a high prevalence of wrongful and over-convictions at the life-sentence level, especially for Indigenous, and multiply disadvantaged peoples (Pate, 2022; Roach, 2023).

KEY FINDINGS: A QUALITATIVE INQUIRY INTO THE IMPACTS AND OUTCOMES OF PAROLE FOR LIFE

The author’s study (Kish, 2024) relied on in-depth, interview-based) qualitative research with 19 life-sentenced people in Canada who have been on parole for varied lengths of time (Table 1). All but three participants were under twenty-five years old at the time of their arrest, many were under 18. Consistent with the general prison population, 42% of the participants are Indigenous (Table 2).

Table 1: TOTAL YEARS SPENT ON PAROLE BY PARTICIPANT AT TIME OF

30+ YEARS = 5 PARTICIPANTS	6-10 YEARS= 4 PARTICIPANTS
20-29 YEARS = 3 PARTICIPANTS	3-5 YEARS = 3 PARTICIPANTS
11-19 YEARS = 3 PARTICIPANTS	0-2 YEARS = 1 PARTICIPANTS

Source: Author (Kish, N. (2024). Parole for life (master's thesis). Reprinted with permission.

Across the interviews, strong undercurrents of inaccess to justice surfaced. Many expressed not understanding what life sentences were following their arrests but encouraged by their lawyers to plead guilty to murder to skip lengthy trials--wrong advice implying they would be free to just ‘move on with their lives’ following some years in prison.

Table 2: GENDER AND RACE OF PARTICIPANTS

12 MEN (4 INDIGENOUS MEN, 2 BLACK MEN)
7 WOMEN (4 INDIGENOUS WOMEN)

Source: Author (Kish, N. (2024). Parole for life (master's thesis). Reprinted with permission.

Once convicted, people shared that their prison years were extremely difficult, forever changing and shaping them. They emphasized strong tensions between the prison system’s expectations of them, and their human and social needs. As one person vividly expressed: “To get out, I ...had to really look the other way from everyone, and isolate myself... You can’t be involved in any little thing, or that’s it... it’s over...And I was...really trying my hardest...so you can imagine how it is...living like that in prison for however long, for me, for 16 years.”

Ongoing impacts from harsh, chaotic, unforgiving prison environments continued to shape participants lives, though they were all able to gain release. They shared struggles functioning in society immediately following incarceration. Lengthy incarceration,

however, did not stop them from longing to experience life upon release.

“for myself, I had went in at such a young age, I didn’t even know how to open up a bank account. All these intimidating things, it was really hard...how to interact with normal society people...was so intimidating!”

Source: Author (Kish, N. (2024). Parole for life (master’s thesis). Reprinted with permission.

People shared dreams of finding partners, reuniting with family, traveling, having futures upon their releases from prison. Even when they knew it would work against parole expectations, they found themselves seeking out typical life experiences they had missed out on due to incarceration.

Though many years had passed since most participants were released (Table 1), their parole conditions were importantly virtually unchanged at the time of their interviews (with a few exceptions where select special conditions had been removed). There was not any substantial difference between the conditions and expectations of people on parole in the 20-30+ year range and those in the 0–10-year range. Widespread regulation of people’s intimate, familial, and often professional relationships, along with the inability to exercise freedom of movement, capture the character of parole for life and constitute the areas of parole that are most adverse and consequential.

Participants shared that parole officers will often direct individuals that standard parole conditions cannot be removed, ever, and are generally reluctant to support removal of special conditions. Although

“When I went in...I was only a teenager, ... I come out and of course...I want to catch up to the fun years of like, partying, being boy crazy, like you know, dressing up...shopping, like...money, the technology nowadays. It’s crazy! So yeah, I didn’t last that long. I lasted about eight and a half months on parole and then I went back in [to prison].”

Source: Author (Kish, N. (2024). Parole for life (master’s thesis). Reprinted with permission.

PAROLE CONDITIONS, FOR LIFE

The Canadian prison system is mandated to rehabilitate and reintegrate people into the community as law-abiding citizens (CCRA, 2025), and parole is meant to facilitate this process in a structured, gradual manner. There are two types of parole conditions in Canada: standard, and special. Standard conditions are automatically applied to every person receiving federal parole in Canada under section 161(1) of the Corrections and Conditional Release Regulations, while special conditions are imposed by the Parole Board of Canada (PBC).

Both special and standard conditions are meant to be necessary and proportionate to risk. Both standard and special conditions can be removed over time (CCRA, s. 143(6), 2025, Parole Board of Canada, 2025). While parole conditions are generally regulated by the PBC, the Correctional Service of Canada (CSC) oversees the day-to-day operations of parole and controls the monitoring of people on parole and parole suspensions.

many of the participants are now middle-aged and beyond, and were convicted as youth, they disclosed the day-to-day realities of asking permission to leave the cities they live in, and to have friends and family in their lives. Gaining approval requires onerous, invasive processes. These practices are being imposed upon every person, regardless of their individual factors, of the circumstances of their convictions, and of the amount of time they have been successfully on parole. This, surely, was and is not the intent of Canada’s (very costly) prison system.

GEOGRAPHIC CONFINEMENT- ONE EXAMPLE OF THE RESTRICTIVE CHARACTER OF PAROLE FOR LIFE

Participant experiences relating to one standard parole condition demonstrates the scope of the problem. Section 161(1) (b) of the CCRR, a standard release condition, outlines that people on parole “must remain at all times in Canada within the territorial boundaries fixed by the parole supervisor”.

This seems, at a glance, fairly innocuous. But the CSC has employed this condition to mean that anytime an individual wants to leave an approved area (which CSC assigns and which averages a 30km radius)², they must gain a ‘travel permit’. People must submit where they are going, the dates they intend to be away, for what purpose and with whom, the addresses/locations of where they will be staying, information on vehicles they will be travelling in, and the contact information of the people they will be with.

A second onerous process, a ‘community assessment’ is conducted to facilitate approval of a travel permit, especially if the person on parole is staying at someone else’s residence³. Community assessments involve background checks on community members who want to be in a life sentenced person’s social network, interviews with parole officers, scrutiny of the community members behavior, and disclosure of file information and the life history of the life sentenced person to the community member.

If all of these processes are conducted and approved, people receive a printed permit, which they must carry. Failure to produce the printed permit can result in arrest. Police departments are notified, and in many cases people on parole must present themselves to police departments when entering a new city. Many participants shared that they live with complex post-traumatic stress disorder from their incarceration and especially live in fear of police, reporting trembling in the presence of a police car or uniformed officer. Those who didn’t disclose fear and trauma still shared feeling a deep stigma and sense of social exclusion through this process.

Over time, many participants have developed routines that seldom involve leaving their approved area. For many, isolation reduces the intense stress of the travel approval process. Not having to constantly ask permission to live their lives provides a sense of freedom and/or helps them avoid feeling like “a burden” to their families and loved ones. Others reported the process was too invasive for their family members, and that they lost family connections. For families having any history of criminalization, contact was often denied.

The travel permit process is particularly deeply traumatizing to many Indigenous people, as it shares an eerie resemblance to Canada’s previous ‘Indian Pass’ system (Kish, forthcoming; Kish, 2024). And imposing lifelong geographic confinement through this practice is but one of several that lead life sentenced people to isolate themselves. Indeed, for life-sentenced people, isolation becomes both a survival strategy and a consequence of the sentence.

Despite the prevalence of life sentenced people being confined for life to small geographic areas, nothing in the law outlines how small or large a ‘fixed territory’ must be. Moreover, the CCRA states that this standard condition can be removed at the discretion of the PBC⁴. Despite this, all 19 participants still had this restriction imposed upon them at the time of their interviews. Some have received temporary relief, from time to time, through standing travel permits to access further locations for a temporary period of time, but these permits are most often linked to employment needs and revoked if employment circumstances change.

MAKE LIFE AFTER LIFE POSSIBLE: A CALL TO END THE PERMANENCE OF THE LIFE SENTENCE IN CANADA

Participant accounts in the study demonstrate that life sentenced people on parole do not pose public safety threats. These are people who generally went to prison young and are very unlikely to ever commit a future crime. People on parole for life demonstrate that they desperately seek reintegration, and the ability to lead productive lives and be contributing members of society. However, persistent surveillance and sustained isolating conditions post-incarceration deny their abilities to fully be in the world, leaving people feeling alone, disempowered, and consistently vulnerable to reincarceration. These experiences compound as people age and as time passes.

The restrictive nature of parole and absence of policy direction and research about life sentences speaks to the stigma surrounding them. Prison law and policy is also intensely susceptible to political shifts. Where people on parole-for-life were once able to have conditions incrementally removed until so few remained that a “parole reduced” status became possible, allowing them to functionally build lives

2. With some range, some smaller in urban areas, and some larger, in rural municipalities.

3. Community assessments are the second element of parole for life that are reported as being incredibly challenging to people. CA’s serve to regulate the relationships of people on parole, and are being imposed not through official parole conditions, but as implicit expectations of parole (Kish, 2024). See the full study for more detail.

4. CCRA, 2025; Parole Board of Canada Policy Manual, 2025

post incarceration, previous governments directed CSC to stop supporting this practice, following the ‘tough on crime’ political direction that led to an increased punitive quality across all domains of federal incarceration in Canada (Kish, 2024).

Presently, life sentences in Canada punish people forever and without any possibility of end. People are first punished through years and decades of overt deprivation inside prison. Those who accomplish parole are then punished covertly for the rest of their lives, living in the community but unable to fully participate in it due to intense, perpetual parole conditions, such as standard condition 161(1)(b). Importantly, while this brief contribution focused on geographic confinement, many conditions of parole for life add to individual’s inability to live meaningful lives post incarceration.

Though one could call for increased oversight and scrutiny of the operations of parole officers, or for more regulatory oversight of parole, the current inability of people to achieve parole reduced status demonstrates that more clear legislative pathways to reintegration are needed. If Canada’s prison system is truly reintegrative, then there ought to be legally accessible pathways away from the sentence for those who have demonstrated successful reintegration into the community to gain liberty. Doing so would alleviate costly resources spent on parole officers monitoring people who left prison years and decades ago, would align with the law, and would address the immense harms outlined in this paper. Anything less is punishment for punishment’s sake.

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Appendix

Table 3: AGE OF PARTICIPANT AT ARREST

17 OR YOUNGER AT ARREST = 3 PARTICIPANTS
18 OR YOUNGER AT ARREST = 6 PARTICIPANTS
21 OR YOUNGER AT ARREST = 12 PARTICIPANTS
25 OR YOUNGER AT ARREST = 16 PARTICIPANTS
25+ AT ARREST = 3 PARTICIPANTS

Source: Author (Kish, N. (2024). Parole for life (master's thesis). Reprinted with permission.

RÉSUMÉ

PAROLE-FOR-LIFE IN CANADA: WHERE THE PUNISHMENT NEVER ENDS

NYKI KISH

S'appuyant sur les entrevues menées dans le cadre de son étude Parole-for-Life: A Qualitative Inquiry into the Canadian Life Sentence, Nyki Kish (2024) examine comment le régime canadien de la prison à vie prolonge indéfiniment la punition, contrevenant au principe juridique selon lequel les conditions de libération doivent être les moins restrictives possible. Elle montre que les personnes en liberté conditionnelle à perpétuité – souvent condamnées jeunes et de manière disproportionnée autochtones – sont confinées à de petites zones géographiques et doivent obtenir des permis de déplacement détaillés, avec notification à la police. Les participant(e)s ont décrit une profonde exclusion sociale, des traumatismes et une peur constante d'être réincarcérés. Kish souligne qu'il est juridiquement possible de lever toutes les conditions, mais que cela est extrêmement rare en pratique. Elle appelle à une réforme réglementaire, politique et législative coordonnée.

After Abolition: From Bad to Better or Bad to Worse?

MARY E. CAMPBELL

Mary E. Campbell, a former senior corrections policy official, examines the impact of Canada's 1976 abolition of the death penalty. While intended as a humane reform, its rehabilitative promises have eroded. Campbell traces the repeal of the faint hope clause, harsh sentencing, and the exclusion of lifers from parole by exception. She critiques the reluctance to use relief tools like the Royal Prerogative of Mercy, and to uphold a core principle of the Corrections and Conditional Release Act: applying the least restrictive measures consistent with public safety. Without reform, she argues, the system risks being less principled than what it replaced.

INTRODUCTION

Capital punishment has always been a controversial issue in Canada. When it was abolished in 1976, the reasons were generally two-fold, one pragmatic and the other moral. First, there was compelling evidence that the existence of the death penalty was no more of a deterrent than life imprisonment. Second, the moral argument focused on the state killing people.

Along with half a dozen other measures, the “Peace and Security Program” of Bills C-83 and C-84 had the intended consequence of increasing public protection. But as seasoned legislators know, one must always pay attention to the unintended consequences lurking in the corners. Certainly, there were Parliamentarians alive to those dangers, as they flagged whether lengthy incarceration would simply result in a slow death and whether that lack of hope for offenders would in turn place correctional staff at risk.

I offer the argument that while not having the state kill people has taken us from bad to better, at the same time the unintended consequences have left us in a situation that is otherwise much worse.

1. THE “FAINT HOPE” CLAUSE – PART I:

In passing C-84,¹ Parliament agreed to replace the death penalty with mandatory life sentences and parole eligibility dates of between 10 and 25 years, but they had a residual concern that offenders could be left with a sense of hopelessness or “nothing left to lose” (thus placing penitentiary staff at risk of attack), and a disincentive to pursue rehabilitation over such long periods. Hence the inclusion of a 15-year review point was considered essential to avoiding unintended consequences of the new regime.



MARY CAMPBELL

Mary Campbell retired as the Director General of the Corrections and Criminal Justice Directorate in the Department of Public Safety Canada in 2013, after 29 years. The Directorate provided advice and support to the Minister in her/his public policy leadership role in corrections and criminal justice and was responsible for providing advice on CSC and PBC operations, as well as on a broad range of domestic and international correctional programs, policy, research, and legislative issues. She is one of the few surviving creators of the CCRA.

Ms. Campbell has a B.A. (Toronto), an LL.B. (Queen's), and an LL.M. (McGill). In all her teaching, publishing, and support of individuals and non-profit groups, she advocates for a more humane and just correctional system.

1. Criminal Law Amendment Act (No.2), S.C. 1976, c. 105

For the next 20 years, the clause worked largely as intended. Statistics show that a minority of eligible offenders applied for review, and of those who were granted earlier parole the majority were successful on release. So far so good.

But in 1996 the Chrétien Liberal government fell for the oldest mistake in the book: the eligibility of one of the most reviled persons convicted of multiple murders, Clifford Olson. Of course, the 1976 Liberals were well aware of the existence of offenders with more than one murder conviction but did not exclude them from faint hope eligibility. Although he denied any link, Justice Minister Allan Rock responded to the outrage of the public and families of the Olson victims by excluding all multiple murder offenders from future eligibility – along with other restrictive measures, he and his Liberal colleagues explained that they were “re-focusing”.²

But the prospective nature of the amendments meant that Mr. Olson was still entitled to his review. It went ahead and worked as intended: within a matter of minutes the jury denied Mr. Olson’s application. But the amendments were the first strike against a provision that the 1976 Parliamentarians had considered essential to the overall scheme.

1. THE “FAINT HOPE” CLAUSE – PART II:

That was not the end of the backtracking. In 2006 the Harper Conservative government was elected, with its well-known commitment to being “tough on crime”. Halfway through their mandate, they were successful in abolishing the scheme prospectively for everyone.³ Given their criminal justice platform, this was not a surprise. What was surprising was that the very party that had created the measure and deemed it essential in 1976 joined in the vote to abolish it. Every single Liberal.

The government’s stated aim was to prevent what they termed repeated victimization of families of the murdered victims through early and repeated parole hearings, and to bolster public confidence in the system through greater “truth in sentencing”. Arguably neither goal was met.

2. THE NEW (SLOW) DEATH PENALTY – “STACKING”:

Support for the death penalty did not disappear in the decades after its abolition or the removal of the faint hope clause. Notwithstanding Prime Minister Harper’s statements that capital punishment would not be re-enacted in murder cases, many in his party hoped otherwise. One way to ensure that a person would die in prison would be to delay or remove parole eligibility. The Supreme Court of Canada (SCC) in 1987 had already ruled that the parole process was an essential element of s. 12 of the Charter,⁴ so the Conservative government came up with a model that would retain eligibility in law but in reality ensure death in custody in the most egregious cases.

Canadian law, unlike U.S. law, held that multiple life sentences and their parole ineligibility periods could only be imposed concurrently.⁵ So, if there were four victims in a first-degree murder, for example, the offender would serve one period of 25 years’ parole ineligibility. Considering this an affront to victims’ families (a “volume discount”), in 2011 the Harper government gave judges the discretion to order consecutive periods of ineligibility⁶ – in this example 100 years.

While this provision was discretionary, a surprising number of courts signed on across the country before the SCC struck down the law in 2022.⁷ In one case the person would have been 115 years old at eligibility, another 132.

Affected persons were able post-Bissonnette to apply for a court order undoing the extended ineligibility. But the Conservatives’ point had been made: the 1976 amendments had not eliminated all support for the death penalty or a living death equivalent.

3. PAROLE BY EXCEPTION

Another change that played out post-1976 that went largely unnoticed was parole by exception. This unusual measure had existed pre-1976 on a non-legislated basis, permitting any person in custody

2. An Act to Amend the Criminal Code (judicial review of parole ineligibility) and another Act, S.C. 1996, c. 34.

3. An Act to Amend the Criminal Code and another Act, S.C. 2011, c. 2

4. R. v. Lyons, [1987] 2 SCR 309

5. The actual sentence calculation is more complex, but the general rule applies. See ss. 120-120.3, 139(1) CCRA

6. Protecting Canadians by Ending Sentence Discounts for Multiple Murders Act, S.C. 2011, c. 5

7. R. v. Bissonnette, 2022 SCC 23 at para. 112-118

to apply for parole prior to statutory eligibility on extraordinary grounds, such as illness, mercy, special needs, etc. It was abolished in the 1976 package.⁸ At the instigation of the Parole Board, it was reinstated in 1979 but with one important difference: persons serving life sentences were no longer eligible. That exclusion continues to this day, its impact further heightened by the repeal of the faint hope clause.⁹

4. ROYAL PREROGATIVE OF MERCY (RPM)

The RPM has existed since the advent of the monarchy. Two of its primary forms (full and conditional pardons) can be exercised by Cabinet or the Governor General.¹⁰

The full pardon releases the person from the conviction and sentence, in cases of wrongful conviction or where circumstances dictate that “enough is enough”. The conditional pardon provides release on parole prior to normal eligibility. Both are appropriate remedies for persons serving life sentences whose individual circumstances warrant tailoring,¹¹ all the more so in the absence of parole by exception and the faint hope clause. RPM is intended to be an exceptional power, but successive governments have taken that to mean almost never to be used. This is not due to a lack of applications but rather to an ongoing parade of timid or harsh politicians.

5. RELIEF FROM PAROLE CONDITIONS

One of the commitments of the 1976 government was that the conditions of serving the sentence would be improved to better promote and recognize rehabilitative efforts.¹² The Parole Board has the legislative authority to relieve a parolee from any or all conditions.¹³ While this does not take the place of the faint hope clause in that it does not affect parole eligibility dates, it can provide relief from pointless “standard” or special conditions. Indeed, the argument can be made that it should be exercised on a case-by-case basis in order to ensure compliance with a fundamental principle in the *Corrections and Conditional Release Act*:¹⁴ parole and correctional authorities must apply the least restrictive measures consistent with public safety.

This is particularly important for lifers who may be on parole successfully for decades.

The Board is well aware of this authority.¹⁵ In recent years it has declined to exercise it in all but a handful of cases, sometimes only after litigation.¹⁶ CSC has an equal responsibility to tailor conditions but similarly has failed to act.

6. SUPPORT FOR REHABILITATION

The 1976 Parliamentary debates also emphasized the importance of improved programs and services for incarcerated persons¹⁷.

In the last 50 years, such programs and supports have ebbed and flowed, and space here does not permit a comprehensive review. An important factor has been the enormous advancement in research on risk prediction, recidivism, and program evaluation. But that advancement has not always been reflected in program delivery.

For example, LifeLine was created in 1991 as a peer-support resource for lifers and demonstrated positive results.¹⁸ It also provided employment for a number of lifers who delivered the program. Which makes it all the more curious that a CSC-evaluated and relatively low-cost (\$1.8M/yr) program was cut in 2012 under the then government’s Deficit Action Reduction Program (DRAP). “Curious” until one remembers that this was during the Harper government, which was unsupportive of anything that appeared to be for the benefit of offenders. What is less clear is why CSC offered up the program for de-funding.

To the credit of members of St. Leonard’s Society of Canada, the service was resurrected as the PeerLife Collaborative.¹⁹ This serves as an example of the resilience that is possible but also of the precariousness of the 1976 commitment.

7. CONCLUSION

Since 1976, the pillar of Parliament’s abolition of the death penalty – the faint hope clause – has been eliminated for all but pre-2011 murder sentences.²⁰ Other measures to tailor parole and its conditions

8. Press Release – Peace and Security, February 24, 1976, p. 16

9. S. 121 CCRA

10. Ss 748-749 Criminal Code; Letters Patent, 1947.

11. See R. v. Latimer, 2001 SCC 1 at para.89-90. Notwithstanding the Court’s urging, 24 years later no government has acted in his case.

12. C-84, May 3, 1976, HoC Debates 30th Parl., 1st Sess., vol. 12, p. 13091

13. Ss. 133(5) & (6) CCRA

14. Ss. 4(c) and 101(c) CCRA

15. Board policy used to be that lifers were eligible for “parole reduced” after 5 successful years on parole, reflecting the research that shows that any risk they pose by that point is no greater than that of a non-offender. See Cole, D., & A. Manson, “Release From Imprisonment”, Toronto: Carswell, 1990, p. 177.

16. See e.g. Latimer v. Canada (AG), 2010 FC 806; 2014 FC 886.

17. See e.g. C-83, 2nd R. debate, House of Commons Debates, 1st Sess., 30th Parl., vol. 11 & 12.

18. CSC – A Preliminary Investigation of Institutional Outcomes for LifeLine Participants, 2010, No. B-45.

19. See peerlife.ca

have not been used to fill the gap. Public discussion continues to be highly skewed by sensational cases, and one of the two main political parties offers only “tough on crime” options, while the other offers nothing due to a fear of appearing “soft on crime”. Discussion of a principled “smart on crime” option is restricted to academia and non-governmental organizations.

Arguably the absence of the death chamber is the only basis for concluding that the situation for persons convicted of murder is any better now than pre-1976. In every other respect the situation is largely unchanged or worse.

RÉSUMÉ

AFTER ABOLITION: FROM BAD TO BETTER OR BAD TO WORSE?

MARY E. CAMPBELL

Mary E. Campbell, ancienne haute fonctionnaire en politiques correctionnelles, examine l'impact de l'abolition de la peine de mort au Canada en 1976. Prévue comme une réforme humanitaire, cette mesure s'est accompagnée de promesses réhabilitatives largement érodées. Campbell retrace l'abrogation de la clause de semi-liberté, le durcissement des peines, et l'exclusion des détenus à perpétuité de la libération conditionnelle exceptionnelle, entre autres. Elle critique la réticence à utiliser des mécanismes comme la prérogative royale de clémence et à respecter un principe clé de la Loi sur la mise en liberté sous condition : appliquer les mesures les moins restrictives compatibles avec la sécurité du public.

20. In one ray of light, the British Columbia Superior Court has held that the absence of the faint hope clause for persons convicted of a single murder violates s. 12 of the Charter: *R. v. Mariani* 2025 BCSC 129, and is not saved by s. 1: *R. v. Mariani* 2025 BCSC 1298. At the time of writing of this article, The Crown has applied for leave to appeal to the Supreme Court of Canada.

L'histoire source d'espoir

JOHANNE VALLÉE

Johanne Vallée revient sur la mobilisation citoyenne après l'abolition de la peine de mort au Canada, soulignant le rôle des bénévoles et acteurs correctionnels qui ont combattu la tentative de rétablir la peine capitale en 1987 et milité pour un traitement plus humain des condamnés à perpétuité. Elle décrit la création de programmes novateurs, de soutien entre pairs et de recommandations nationales pour la réhabilitation et le changement. Elle insiste sur l'importance de l'espoir, de la mémoire institutionnelle et de la continuité – surtout pour ceux purgeant des peines à vie.

1987. À peine 11 ans après avoir été enterré, le gouvernement conservateur de l'époque ressuscite le débat sur la peine de mort. Un ensemble d'intervenants se mobilise contre le possible retour de la peine capitale. Parmi eux se trouvent ceux qui côtoient les personnes condamnées à vie. Ils formeront la *Coalition nationale contre le retour de la peine de mort* et convaincront les députés, un à la fois, de voter contre le retour de ce châtiment.

Même si cela constitue déjà un accomplissement digne de mention, certains n'arrêtent pas là leur croisade. Ils obtiennent que le *Service correctionnel du Canada* (SCC) reconnaisse les besoins particuliers des personnes qui doivent passer leur vie sous la surveillance du SCC, et ce, dans le but de donner un sens à cette peine. Malheureusement, plusieurs des mesures introduites grâce à leur travail acharné seront battues en brèche au fil des années et des idéologies. Le cinquantième anniversaire de l'abolition de la peine de mort offre une opportunité de revisiter certains faits concernant la gestion des longues peines. Et c'est en puisant notamment dans la mémoire de certaines femmes remarquables que j'ai pu retracer leur histoire.



JOHANNE VALLÉE

Récemment, Johanne Vallée faisait partie du Comité consultatif sur la mise en œuvre des unités d'intervention structurée, du ministre de la Sécurité publique fédéral. De 2007 à 2013 elle agit comme sous commissaire pour les femmes délinquantes et sous commissaire du Québec. Auparavant, elle occupe le poste de sous ministre associée des Services correctionnels du Québec, avec le mandat d'implanter la nouvelle loi sur le système correctionnel. Jusqu'alors elle dirigeait l'Association des services de réhabilitation sociale du Québec. Diplômée des universités d'Ottawa et de Montréal, elle possède une maîtrise en criminologie. Elle a reçu la médaille de la gouverneure générale du Canada, celle de la Faculté des Arts et des sciences de l'université de Montréal et celle de la Société criminologie du Québec pour l'ensemble de sa carrière.

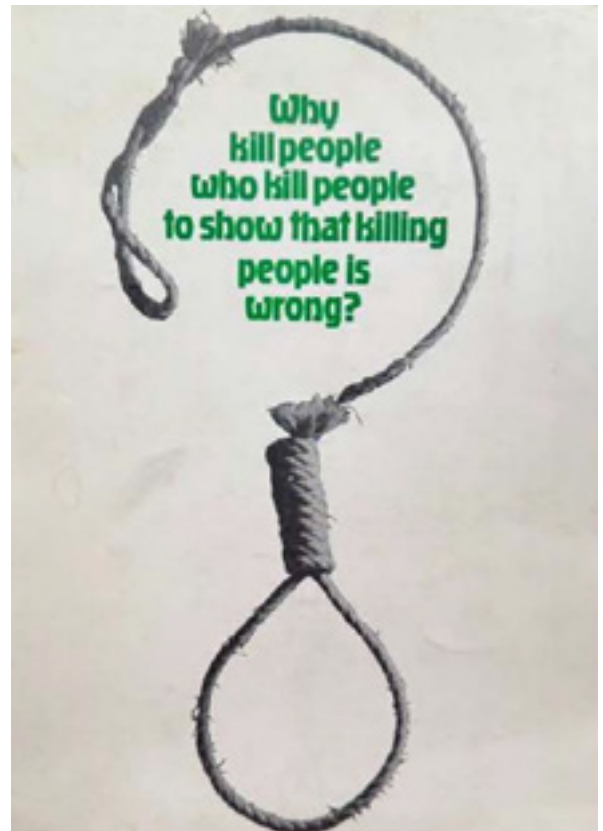
D'entrée de jeu, il ne s'agit pas de vous présenter toutes les initiatives qui ont pris place à l'échelle canadienne sur le traitement des personnes condamnées à vie. Cependant, en 1987 alors que je suis jeune criminologue, j'ai la chance de côtoyer des intervenants et des citoyens déterminés à changer la manière dont le SCC assure la prise en charge de ce groupe de détenus. Je réfère ici particulièrement aux bénévoles et intervenants du *Conseil des Églises pour la justice et la criminologie* (CEJC). Ils ne rataient aucune occasion pour presser le sous-commissaire du SCC- région du Québec à mettre en place un groupe de travail pour étudier les mesures à entreprendre pour répondre aux besoins des détenus qui purgent de longues peines. Pour ces bénévoles, il s'agissait d'un enjeu de cohérence. Si un individu doit passer au moins 25 ans de sa vie, dans un pénitencier, comment allons-nous assurer que cette période soit transformatrice et favorise un retour fructueux et pérenne en société?

J'ai rencontré Marie Beemans, une bénévole qui consacre sa vie à accompagner des détenus dont plusieurs purgent une peine à vie. Aujourd'hui encore, à plus de 90 ans, elle côtoie des hommes condamnés à vie qui jouissent maintenant d'une libération conditionnelle. À l'époque c'est au sein du CEJC qu'elle collabore avec la *Société John Howard*, et d'autres membres de l'*Association canadienne de justice pénale*, pour combattre un possible retour à la peine de mort et assurer que les personnes condamnées à vie bénéficient de programmes.

Marie croit que les pressions exercées sur le SCC ont permis le regroupement de ces détenus dans des secteurs au sein des pénitenciers. Ces regroupements leur auront permis de disposer d'un local bien à eux pour y rencontrer facilement les détenus, ce qui stimulera chez ceux-ci un esprit d'entraide. Dans ce contexte, des bénévoles visiteront les « groupes vie » composés des détenus qui purgent une peine à vie, mais également de ceux dont la peine était tombée avant 1976, et pour lesquels la peine de mort avait été prononcée.

Marie Beemans est persuadée que le sous-commissaire de la région du Québec de l'époque, M. Jean Claude Perron, a assuré le leadership pour la création du groupe d'étude sur les longues peines¹. En effet, c'est sous sa responsabilité que ce groupe d'étude prend son envol. Le groupe s'appuie sur

1. Service correctionnel du Canada; Rapport du groupe d'étude sur les longues peines, Avril 1991.



Cover page of a toolkit prepared by the Coalition Against the Return of the Death Penalty “for those at the local level willing to undertake public education around the death penalty issue and to organize political action to oppose its return” (1985).

[Page couverture d'une trousse préparée en 1985 par la Coalition nationale contre le retour de la peine de mort, destinée aux personnes engagées localement dans la sensibilisation du public à la question de la peine capitale et dans l'organisation d'actions politiques pour en empêcher le rétablissement.]

diverses études et travaille en collaboration avec les acteurs concernés de l'ensemble du SCC. Trente-sept recommandations émanent de leur rapport. Dès les premières pages, on y rappelle la croyance du SCC dans la capacité de changement de l'être humain.

Le groupe d'études énonce 9 grands principes devant guider la politique de gestion des longues peines, soit : la responsabilisation du détenu dans la gestion de sa peine; l'individualisation des

programmes et processus décisionnels; l'élaboration de programmes adaptés; l'incitation au changement en vue d'une réintégration sociale; la sollicitation accrue de la communauté; la transmission de l'information aux délinquants et au personnel sur une base continue; des interventions continues, cohérentes et équitables; la contribution à la protection de la société; la prise en considération du besoin de valorisation du détenu. Il identifie 4 phases pour ce genre de peine, dont l'adaptation et la désinstitutionalisation. Le rapport traite de nombreuses questions touchant la sécurité, les besoins psychologiques, la formation, l'emploi, la famille, les sources de motivation, et l'échange d'information entre le personnel. Au sujet de ce dernier point, les auteurs notent que la stabilité des intervenants contribue à la continuité des interventions. Cette recommandation est devenue caduque aujourd'hui, alors qu'un roulement de personnel significatif sévit dans les pénitenciers à travers le Canada.

Le groupe d'étude reconnaît aussi l'importance que les détenus condamnés à vie à perpétuité se sentent supportés par des pairs qui vivent ou ont vécu la même expérience qu'eux. Christine Perreault et Line Bernier, toutes deux psychologues au SCC et maintenant retraitées, ont côtoyé ce groupe de détenus. Lors de notre rencontre, elles confirment qu'à l'intérieur des groupes vie, les détenus ayant traversé les phases d'adaptation pouvaient épauler des détenus plus récemment incarcérés. Par exemple, un programme de prévention du suicide a formé des détenus qui purgent une longue peine et qui ont acquis une crédibilité auprès de la population, afin qu'ils agissent comme sentinelles. Les sentinelles aidaient les détenus fragiles en étant l'interface avec le personnel, identifiant aussi ceux à risque de suicide pour leur prise en charge.

À son tour, la *Société St-Léonard du Canada*, reconnaissant le rôle essentiel de l'entraide par les pairs, développera le programme Option-Vie. Il s'agissait d'un programme unique qui s'appuyait sur l'entraide entre détenus et libérés conditionnels, facilitant l'adaptation, la désinstitutionalisation et la réintégration sociale. Malheureusement, après plusieurs années d'existence, le Service correctionnel mettra fin à son financement.

Le milieu carcéral constitue un univers en soi et bien que des détenus purgent une longue peine, les similitudes entre les profils des détenus

s'arrêtent souvent à la peine comme telle. Certaines personnes peuvent avoir des antécédents criminels ou être dépendantes aux substances, tandis que d'autres souffrent de dépression ou rencontrent des problèmes de santé mentale. L'adaptation et l'intégration au milieu carcéral sont un défi en soi.

À la fin des années 1980 et au début des années 1990, le modèle des communautés thérapeutiques constitue le modèle d'intervention clinique de choix appliqué dans certains pénitenciers. Ce modèle offrait un milieu de vie qui favorise le développement personnel, la formation et le travail. Triés sur le volet, des détenus purgeant une longue peine intégraient ces communautés. L'ensemble du personnel était formé pour répondre aux exigences de ce modèle, assurant une continuité de l'intervention et une saine collaboration entre les groupes d'employés, que ce soient les psychologues, les agents correctionnels ou les agents de libération conditionnelle. Par exemple, certains détenus recevaient une formation de cuisinier et travaillaient dans les cuisines des institutions. Dans les années 1990, le SCC a évacué ce modèle au profit de l'approche cognitivo-comportementale, se limitant à cibler certains thèmes, dont la gestion de la colère et la toxicomanie. Reste à voir l'efficacité de cette nouvelle approche sur cette population.

Avec Christine Perreault et Line Bernier, j'ai abordé le thème de la révision judiciaire, dont le rapport du groupe d'étude soulignait l'importance. En effet, le groupe y insiste sur le fameux article 745 du *Code criminel du Canada*. Celui-ci prévoyait qu'après avoir purgé 15 ans de détention, un détenu condamné pour meurtre au premier degré pouvait demander à un juge et un jury de réduire sa période d'inadmissibilité à une libération conditionnelle. S'il avait gain de cause, il pouvait alors s'adresser à la *Commission des libérations conditionnelles du Canada* pour demander d'obtenir une libération conditionnelle avant les 25 années péremptoires.

La révision judiciaire offrait de l'espoir et motivait le détenu à se responsabiliser pour sa peine et sa réintégration sociale. De la même façon, la révision judiciaire imposait au SCC une démonstration de la gestion rigoureuse de la peine, en vue de l'audience. Pour ces deux psychologues, il est clair que les détenus condamnés à perpétuité oscillent souvent entre l'espoir et le désespoir. Évidemment, la possibilité de pouvoir éventuellement réduire non pas la peine, mais la période passée derrière les murs,

permettait au personnel de travailler sur l'espoir et de motiver les détenus. La révision judiciaire est maintenant chose du passé, car le gouvernement du premier ministre Harper l'a abolie en mars 2011.

En conclusion, cet article souligne l'engagement des intervenants et bénévoles à donner un sens à une condamnation à perpétuité. Les pénitenciers ne constituent pas des entrepôts d'êtres humains que la société ne veut pas voir et dont elle se désintéresse. Leur mission consiste à modifier les comportements délinquants, garantir la réhabilitation sociale et faciliter une éventuelle réintégration des délinquants dans la communauté, tout en assurant la sécurité du personnel, de la communauté et des détenus.

L'espoir et l'entraide constituent des outils de travail puissants sur lesquels peuvent s'appuyer les détenus et le personnel du SCC. Ils facilitent l'intégration des détenus, leur réhabilitation et leur réinsertion sociale.

Et puisque dans nos pénitenciers le nombre de personnes recevant une peine à vie ne fera que croître, malgré le temps passé depuis la publication du rapport du groupe de travail sur les longues peines, les principes énoncés par ce dernier ne doivent pas être jetés aux orties. Au contraire, ils sont source d'espoir.

SUMMARY

L'HISTOIRE SOURCE D'ESPOIR JOHANNE VALLÉE

Johanne Vallée revisits the grassroots advocacy following Canada's abolition of the death penalty, highlighting the volunteers and correctional actors who fought both the 1987 attempt to reinstate capital punishment and also for more humane treatment of life-sentenced prisoners. Vallée recounts the creation of innovative programs, peer support models, and national policy recommendations aimed at rehabilitation and meaningful change. She underscores the importance of hope, institutional memory, and continuity in corrections – especially for those serving life sentences.

Life After Abolition: Fifty Years of Death by Incarceration

RICK SAUVÉ

Drawing on his own first-degree murder conviction and decades of work with lifers through St. Leonard's LifeLine/PeerLife, Sauvé describes a system that expanded life sentencing, eroded parole opportunities, and disproportionately impacted Indigenous people, youth, and racialized groups. He traces the decline of the Faint Hope Clause legislation, rising in-prison deaths, and growing political calls for tougher penalties. Sauvé warns that Canada's justice system has regressed, replacing execution with lifelong punishment and diminished hope.

50 years since the abolition of the death penalty in 1976 I offer my thoughts and perspectives on the impact on those who have been sentenced since that change in legislation took effect. I draw on my own experiences as well as on working with life-sentenced men and women in my 26 years with St. Leonard's LifeLine/PeerLife.

To begin, I started my life sentence in 1978, two years after the law changed from Capital and non-Capital Murder to First- and Second-Degree murder. Having said that, I note that the last executions in Canada took place in 1962, ironically the same year St. Leonard's Windsor opened the first halfway House in Canada.

During the time of my arrest and throughout my prison sentence there would be private members bills introduced calling for the reinstatement of the death penalty. In some of the early discussion and debates including during the trial for our case, in which 8 of us were charged with first-degree murder with ultimately 6 of us convicted, 4 for second- degree murder and me and another for first-degree murder. Our case was referred to when the topic arose about why the death penalty should be reinstated. When I received my sentence Judge Coulter Osborne simply stated, "I have no alternative but to sentence you to prison for life". The impact of that sentence made me feel that I would die in prison, in effect death by incarceration. Yes, there was the faint hope legislation and parole, however, at that time there was no discussion or information on the rules or process as no one would be eligible for any of that for years and years to come.



RICK SAUVÉ

In 1978 I was arrested and later wrongfully convicted of first-degree murder in a highly publicized and controversial case. I was granted full parole in 1995 after serving 17 years in Ontario prisons. The Innocence Project is working on my case, seeking to have the conviction overturned.

I work for St. Leonard's Peer Life (formerly LifeLine), supporting lifers prepare to successfully transition to parole. I have assisted at over 500 parole hearings. I have developed and delivered self-help groups in the prison system, including the Break Away Program for people whose crimes were connected to gang culture. I have been active on prison issues, including winning prisoners the right to vote.

I have degrees in Psychology and Criminology and have done extensive public speaking, media presentations, and testimony before Parliament, the Senate, and courts. I have written for publications and textbooks, and in 2017 received the Ed McIsaac Award for Human Rights in Corrections. For leisure, I enjoy home projects, custom cabinetry, and riding my motorcycle.

When I arrived at Millhaven Maximum Security there were only a handful of prisoners serving first-degree murder and so there was no information as to what would take place in the distant future. We were sometimes referred to as “the walking dead”. Fortunately, corrections had just ended the practise of placing those sentenced to first-degree murder in the Special Handling Unit. There were a couple of prisoners I met who had been sentenced to death and had their death sentence commuted to Life with parole eligibility at 20 years.

If I was to discover how to best utilize my time and avoid completely losing hope it would be through my own self-discovery and by searching out what little information there was. Classification officers (now called parole officers) had no plan or information to share with us on how we should manage our sentence. Simply put, there was nowhere to garner information about our sentence. I became active by taking part in social groups and starting a Lifers’ Group to work on this - I recognized we would have to discover this for ourselves. Perhaps we could try to have some input by speaking out. I also invited politicians, senior corrections and parole board officials to press them for information and to understand how these policies affected us. I wrote a brief to the Daubney Sentencing Committee to express our views on life sentences and put forth our input on changing them. The Daubney Commission was an all-party Commission and to our surprise they came to Collins Bay to meet with us. We realized that we would have to advocate for ourselves. I also sent a copy of our brief to the Toronto Star which prompted them to write a story about the Commission and to share some of our brief in the article.

Years into my sentence while studying Criminology, one thing I noted was that there were more and more who were convicted of first-degree murder which replaced capital murder then had been convicted of capital murder. The number of those sentenced was disproportionate when comparing the two legislations. Also, over the years, the parole ineligibility between non-capital murder and second-degree murder reflected this. As mentioned, parole eligibility for those who had death sentences commuted was less than those convicted of first-degree murder. Sentences in effect were much

harsher, and parole ineligibility was significantly longer. It seemed that the bar had been lowered when looking at convictions for first-degree murder compared to capital murder. Juries were more open to convict someone for first-degree murder than to sentence someone to death. Eventually I managed to work my way through the system down to minimum security but still faced a significant number of years before I would be eligible to apply for parole. I did have the hope that I could successfully “earn” and apply for early parole under Section 745 legislation (known as Faint Hope clause) to have my parole ineligibility reduced.

This was part of the original legislation when the death penalty was abolished, and which provided that those sentenced to life with parole ineligibility greater than 15 years could apply to courts to have a trial in the community in front of a jury to have parole ineligibility date reduced. When I applied, there had not been many cases to refer to. What was presented to the courts was the nature of the offence, character of the applicant, and how one had served their time. It was a full trial, and people from the community would weigh all of that information and determine if one could apply for early parole. The process made such sense as the community was directly involved in the decision making.

This legislation gave individuals some hope, it also encouraged them to make and present significant changes in their behaviour and beliefs throughout their sentence. I was fortunate to be recommended as eligible for parole immediately. However, I would still have to appear before the parole board and go through the steps of passes and day parole hearings before I would be considered for full parole. That would not indicate that I would be free, only that I would be on parole for the rest of my life. I would then enter into the next phase of a life sentence.

In November of 1998, I started a new chapter in my career and my life. When I was hired to work for LifeLine, I was brought through prison gates once again- something I had made a vow to never do. Since then I have continued working inside the fences and walls with individuals serving life sentences. In this capacity I have witnessed firsthand the changes within the prison system, the lengthening of sentences and the tightening of the parole process. Everything has become much more restrictive, and

the loss of hope is much more evident. I was shocked at many of the changes I saw after being on the outside for four years.

The number of people who were convicted of first-degree murder had accelerated the number of those convicted of second-degree murder with parole eligibility greater than 10 years had also greatly increased. I noticed that the breakdown of the Lifer population had also changed. There was a significant increase in minority groups, particularly Indigenous and people of colour. Another point of interest I noticed was the number of young offenders who were sentenced to Life with parole eligibility at seven years were actually disproportionately serving more time after being transferred into the adult system. I had several clients over the years that spent years and years beyond their 7-year parole ineligibility. In some cases, the case management team and the system didn't take into account the time served in the Young Offender system.

In fact, I worked with a number of youths who, despite serving years of their life sentence once transferred to the adult system, had to start off in a maximum-security prison as they were being looked at as newcomers starting their life sentences. In a couple of cases, I was asked to testify at sentencing hearings where they were challenging the two-year rule to serve the first two years of their sentence in the maximum prison. I found that it was more difficult for this group of prisoners to cascade down through the system, which I found unfair. Many of them also had difficulty in the adult system and had difficulty gaining any conditional release when appearing before the parole board.

There was also a shift in the correctional system, with more emphasis on programming and less on employment and trades training. Individuals weren't cascading through the system – it was more difficult to get support from case management, and the parole system appeared to be more cumbersome. In my work I provided parole assistance for individuals and so I could witness firsthand the changes taking place. I also noted that more and more individuals were being held back and encouraged to waive their hearings. The system was becoming much more restrictive.

Over the years I am still shocked at how many of my clients are years past parole eligibility dates

without having hearings. Also, over the years of my employment, the number of prisoners who have died in prison has increased significantly, more so than would have been executed. Again, death by incarceration. I still read and hear the claim that there are 'no real life sentences.' I have assisted many clients at hearings who are decades beyond their parole eligibility.

I have also witnessed the changes and eventual demise of the Faint Hope Clause legislation. I have appeared before parliamentary and Senate hearings about this legislation to express my views and to put myself forward to show that the Faint Hope legislation had merit and was important for bringing hope and assisting in rehabilitation. Whenever I have appeared, I was surprised at how misinformed some of our parliamentarians are about the corrections and parole system. Many still push the misinformation that Canada is soft on crime. Those politicians who opposed it believe only in punishment and retribution. And yes, I believe there is a concern that we will be having the capital punishment debate once again.

In the 2025 federal election campaign, criminal justice has become a campaign plank, with consecutive life sentences, three strikes, and expanding the list of crimes for which to impose life sentences. The system has regressed and so many voices who have spoken out are gone. I still have the light of hope, but that light has increasingly become dimmer.

RÉSUMÉ

LIFE AFTER ABOLITION: FIFTY YEARS OF DEATH BY INCARCERATION

RICK SAUVÉ

S'appuyant sur sa propre condamnation pour meurtre au premier degré et sur des décennies de travail, auprès d'autres personnes condamnées à vie au sein du programme LifeLine/PeerLife (Option vie), Sauvé décrit un système qui a élargi le recours aux peines à perpétuité, érodé les possibilités de libération conditionnelle et a touché de manière disproportionnée les personnes autochtones, les jeunes, et les groupes racialisés.

Il retrace le déclin de la législation relative à la clause de l'espoir (dite Faint Hope Clause), la hausse des décès en détention et la montée des appels politiques en faveur d'un durcissement des peines. Sauvé avertit que le système de justice canadien a régressé, remplaçant l'exécution par une punition à perpétuité et un espoir diminué...

Living the Contradiction Between Healing and Punishment in Canada's Criminal Justice System

MENJIA & MOUNTAIN ROCK WOMAN

An Indigenous woman from the Yukon reflects on nearly twenty years as a person with a life sentence, confronting the stigma of the “lifer” label, the contradiction between punishment and rehabilitation, and the deep isolation caused by poverty and distance. Her story exposes how colonial systems continue to criminalize and confine Indigenous lives, even as they claim to offer healing. Despite this, Menjia and Mountain Rock Woman affirms her identity through education, culture, sobriety, and hard-earned hope for a Tlingit future.

In a positive view, “incarceration” was beneficial to my “Healing” journey. Incarceration allowed me to make changes to become a better woman. I became self-motivated to live a different lifestyle, get educated, learn new things, start recovery, and challenge myself. I understand that, due to my crime, I have been given a multiple year sentence of multiple years, however, there is no guaranteed release being a lifer. A person with lifer status needs to become accustomed to prison time because early release is not a consideration, unless you’re at the end of your life span.

THE “LIFER” LABEL

In a negative perspective, “Lifer” became a label – a label that judges me as a person and carries negative assumptions (e.g., cannot be trusted, criminal, dangerous, etc.). If you ever look at someone’s expressions or reaction when you say, “I am a lifer” – whether it is a person from the community, an authority figure, employer, co-worker, new relationship, or even a family member – it is a look you will remember each time. When you get a life sentence, it places an instant label on you for life.

There is an expectation for lifers to be entirely faultless in everything we do, regardless of society’s message that humans are not perfect. Being a lifer made me a self-conscious person – I focus on meticulousness and cautiousness to the point of anxiety. It caused self-doubting behaviours,



©Menjia and Mountain Rock Woman
Mural painted in Fraser Valley Institution by
Menjia and Mountain Rock Woman

I (Menjia & Mountain Rock Woman) am a Yukon born and raised Indigenous Woman. I am Tlingit/Northern Tutchone from the Crow/Raven Clan. The eldest daughter of nine siblings and one adopted son. I am now 47 years old but have been incarcerated for nearly twenty years.

especially when trying to meet the criteria for lifers. A life sentence has placed a label on me with authority figures and people in the community.

Lifers are considered “dangerous” or “bad”, which overlooks the fact that lifers are human beings.

My connection with the community became non-existent. I am from Yukon Territory, and I have not seen many of my family members for approximately twenty years and counting. My siblings, nephews, nieces, parents, grandparents, extended family, and/or friends grew up or passed away, leaving me as a stranger.

I have nephews and nieces that I have never met, and the ones I did are adults. I never got to build a relationship with my family, not because they did not want to, but poverty is real. When you live paycheck to paycheck, affording regular visits is not an expectation given it’s more than 2,000 km between us.

I have been incarcerated in a federal institution for almost twenty years, which left me displaced from my Indigenous heritage and culture. I have not had the opportunity to learn my Northern Tutchone or Tlingit culture, language, customs, song, dances, or ceremonies. I was blessed in Dakota, Cree, and Ojibwa teachings and ceremonies by different elders in the institution, however, I still do not know my culture. I would like to reunite with my culture, language, customs, song, dances, and ceremonies, and live life the way I was intended, traditionally.

A LEGACY OF VIOLENCE AND SURVIVAL

Before my life sentence, I was entrapped in a dysfunctional life, stemming from intergenerational effects of being a descendant of two-generations of residential school survivors. I, personally, have been impacted by lifelong trauma, such as from sexual, emotional, and mental abuse, domestic violence, sex exploitation, mental ailment, near abduction, violence, crime, and addiction. I have lost the opportunity to be a natural mother due to incarceration and early menopause, never being able to experience motherhood or even freeze my eggs.

Unfortunately, I come from a remote territory that does not have many resources, support services, or treatment and has evolved in ways that reinforce newer expressions of the colonialist system. I cannot help the way I was raised nor could I change it. I can



*Let us put our minds together and see what life we can make for our children.
Honesty, Truth.*
Mural painted in Fraser Valley Institution by Menjia and Mountain Rock Woman.

concur that incarceration has had a positive impact to my well-being and transformation, but being a lifer contradicts the very idea of “lifelong” prosperity as defined by a colonial system I was never meant to succeed in.

Today, I honour my given Indigenous names, Menjia and Mountain Rock Woman. I am a daughter, sister, auntie, niece, friend, and family. I am a woman with fifteen years of sobriety. I am an educated woman, graduating from high school and taking university courses. I am hard-working, gaining skills in trades, construction and carpentry. I am talented, sharing my artist talent and hand crafting art. I am focused on my goals and self-healing.

I am an Indigenous woman who has been blessed in Dakota, Cree, and Ojibwa teachings and ceremonies. I am a woman, who after many years of dysfunctional living, still holds strong to optimism, hope, love, and possibilities. I am not giving up on creating the life I want.

My future entails returning to my Tlingit territory. I intend to live the traditional lifestyle of my Tlingit ways. Tlingit culture, language, customs, song, dances, and ceremonies. I intend to create the next

half century building a life that I want to live, a life I call “normal”.

Normal to me is my hometown, being with my family, learning my culture, retiring into elderhood outside of prison, and trying to repair many relationships broken and lost due to my incarceration. To get the goal I set out for myself means working hard, a lifer is not exempt from this.

The negative outweighs the positive of becoming a lifer. This doesn't mean I did not deserve the incarceration; it means that being a lifer often leaves me in fear of retribution, false information, unsupportive community, being displaced, or biased parole officers. I am speaking of the lifer status from my own opinion and experience. In my opinion, I feel there are concealed factors in a lifer's case, such as race (Indigenous vs. Caucasian), ISH (Indigenous Social History), and length of sentence.

I understand that being sentenced to a life sentence is justice for the harm I have caused. At the time of my crime and convictions, a harsh sentence was necessary. I didn't know any better, as I had lived only one way of life. I have been incarcerated 17 years to date, and I can honestly say, “I am not the same person as I was 20 years ago, 10 years ago, or even 5 years ago.” I hope one day that the current life sentence gets abolished as I feel that a harsh sentence of 10 years, 15 years, 20 years, or even 25 years, is still a long time for a person to reflect on life.

This doesn't mean that a crime, specifically one of murder, gets forgotten. A person with a conviction of taking someone's life is reminded psychologically through self-criticism, shame, guilt, beating themselves up, and living with their actions. A person with a conviction of taking someone's life is reminded publicly, whether it is media, news, community citizens, or from the victim's family and friends. A person with a conviction of taking someone's life is constantly reminded and this reminder never gets forgotten.

This is my perspective of what I feel about life sentences, specifically my experience and thoughts regarding the “lifer” label.

RÉSUMÉ

LIVING THE CONTRADICTION BETWEEN HEALING AND PUNISHMENT IN CANADA'S CRIMINAL JUSTICE SYSTEM MENJIA & MOUNTAIN ROCK WOMAN

Cet article examine les tendances mondiales en matière de détention à perpétuité, en comparant le Canada, l'Europe, l'Australie et les États-Unis. Appleton, Jimada et Van Zyl Smit y soulignent la montée inquiétante des peines sans libération conditionnelle et l'évolution des cadres juridiques. L'Europe mise sur la réinsertion et le « droit à l'espoir », tandis que les États-Unis recourent massivement à la « mort en prison », et que le Canada devient plus punitif malgré l'arrêt Bissonnette de 2022. Cinquante ans après l'abolition de la peine de mort, les auteurs invitent à réfléchir à la dignité humaine, à la proportionnalité et à la nécessité de la perpétuité comme sanction ultime.

Hope Interrupted

MELISSA MUNN (PH.D.)

In Hope Interrupted, Melissa Munn, Ph.D., reflects on nearly four decades of working with life-sentenced individuals in Canada, from the optimism of the Faint Hope Clause era to the demoralizing realities of today's correctional landscape. Drawing on her academic work, peer support initiatives like Getting Out, Staying Out (GOSO), and countless in-prison sessions, she charts how opportunities for rehabilitation and human connection have been steadily eroded. Legislative rollbacks, restrictive volunteer protocols, program inaccessibility, and the dismantling of prisoner-led groups have all contributed to a climate of hopelessness. Munn argues that while abolishing the death penalty was a moral gain, the life sentence that replaced it has become increasingly dehumanizing. Through testimonials and reflection, she calls attention to the loss of dignity, voice, and reintegration pathways for those serving life.

INTRODUCTION: WHY ANONYMOUS DATA MATTERS IN JUSTICE REFORM

In 1987, at age 19, I stood in the doorway of the Infinity Lifers' Group meeting at Collins Bay Institution. As a student member of the University of Ottawa's Prison Liaison Group, I was filled with optimism as we discussed the Faint Hope Clause (section 745.6 of the Canadian Criminal Code), which had been enacted following the 1976 abolition of the death penalty. At that time, no Judicial Review Hearings had taken place, and we were unsure what preparations were needed, how hearings would unfold, or what the chances of success were. Still, there was an undeniable sense of hope and possibility in the room.

Over the following years, we watched as the first prisoners worked diligently to prepare their cases for review. Two of the earliest group members succeeded in having their parole eligibility dates moved up. One man, who had been unsuccessful at his hearing, stated that, because of the nature of his crime, he was proof the system worked.

EVIDENCE BE DAMNED

Less than two decades later, the Faint Hope Clause came under attack from the Conservative government led by Stephen Harper. In 2006, I wrote to the Minister of Justice seeking an explanation for the decision to remove Section 745.6. In response, I received a seven-paragraph letter. Six paragraphs outlined the intent and success of the clause, but ultimately, Minister Vic Toews concluded with a statement that criminal justice policy was being driven by penal populism:



MELISSA MUNN

Melissa Munn is a professor and activist who has walked alongside (ex)prisoners inside and in the community for over 35 years. Her areas of specialization are the use of imprisonment, life sentences, parole, rehabilitation and prisoner writing. In an attempt to amplify prisoners' voices, she currently maintains the only open-access digital archive of Canadian penal press publications (www.penalpress.com).

In spite of recent amendments and the small percentage of offenders who apply for early release, section 745.6 remains a contentious section of the Criminal Code. ... The government firmly believes that this proposal will lead to greater public confidence in the criminal justice system. (Vic Toews)ⁱ

By 2010, a review of the Faint Hope Clause by Ting Zhang and Lisa Ha for the Department of Justice confirmed again that the legislation was effective. They wrote:

Overall, the analysis indicates that the faint hope clause is not a free pass for individuals convicted of murder. Slightly more than a third of eligible murderers apply, and of these, only about half are successful. As well, the recidivism data shows that those granted reduced time under faint hope do better in the community than other offenders. Lower recidivism rates from faint hope offenders suggest that decisions to release early are based on fairly accurate assessments of an offenders' risk to reoffend. (p. ii)

One year later, under Bill S-6, the clause was abolished. My expectations and faith in a forgiving and more just society, based both on evidence and best practices, were diminishing.

BEING HOPEFUL: BRINGING GETTING OUT, STAYING OUT INSIDE

This was difficult to accept, especially given that by this time I had completed a PhD focused on the successful reintegration of men who had served lengthy prison sentences. Most of my interviewees were life-sentenced individuals. Some I had first met years earlier and I had witnessed their journeys – earning parole and successfully resettling into the community. The men shared the many challenges they faced in securing conditional release, the struggles they encountered once on the outside, and how they overcame these obstacles. I wrote articles and co-authored a book detailing how they navigated the system and built lives they could be proud of after their release.¹

However, those writings rarely reached those still incarcerated, where hope is often in short supply. To address this gap, Chris Bruckert and I created a free, plain-language booklet titled *Getting Out, Staying Out (GOSO): Words of Wisdom from Former Long-Term Prisoners*. This booklet provides incarcerated

individuals and those on conditional release with practical advice on using their time effectively to secure parole, as well as on preparing for life on day parole and full parole. The booklet became an integral part of the Lifers' Resource, Strategy, which is a manual for a peer mentoring support service provided by lifers to lifers.

In addition, I developed a free, interactive workshop (GOSO) that offered further information and provided prisoners with the opportunity to ask questions. Over the years, at their request, I've delivered this session to thousands of prisoners across Canada. The goal was to share the insights formerly incarcerated men had passed on to me, showing prisoners that it is possible not only to survive but to thrive. The importance of this in-reach was summed up by one life-sentenced man:

I had no hope... There was no literature out or anything like that ... there was no successful guy that you could read about. You heard about the odd guy ... but ... it would be nice if a guy could say ... there's not just one guy out here ... there's tons of us. (Tom)

After each session, I would receive letters from participants thanking me for coming in and sharing up-to-date information with them. One wrote that he slept with the booklet under his pillow so he could fall asleep and wake up each day reminded that there was still hope.

Over the next decade, as I continued to share the strategies that prisoners had successfully used, I encountered more pushback from the attendees. "We can't do that" became a frequent refrain. Often, I co-facilitated the sessions with life-sentenced individuals who were living in the community, and we would lament the passivity we observed in the men. During the sessions, we encouraged them to "take charge" and "act in solidarity." Afterward, we expressed our frustration that the men seemed to be "rolling over" and showing no signs of resistance. We were wrong – well, partially wrong. The system had changed, and doing a life sentence inside was no longer what it had been.

The introduction of new volunteer regulations had made finding social support from the community more complicated. Where, in the past, I simply filled out a security clearance form, volunteers were now required to submit personal financial information,

1. "On The Outside: From long-term incarceration to lasting freedom" was written in the hopes of shifting the failure discourse to something more accurate
i. Toews, Vic (2006, August 11). Personal correspondence with Melissa Munn.

give fingerprints, complete an orientation, and adhere to strict regulations that effectively made any meaningful contact impossible. Letters from volunteers to individual prisoners – a vital lifeline for many incarcerated – were no longer allowed. These new regulations run counter to research on successful reintegration (Breese, Ra’el, & Grant. 2000; Fahmy, 2021; Munn & Bruckert, 2013).

Membership in prison-based clubs, which once facilitated information-sharing and solidarity, has also diminished. Groups like the Native Brotherhoods, the Lifers’, the 10+, and the Black Inmates groups have lapsed in some institutions. While some blame COVID-19 for their disbanding or disengagement, the men tell me the administration refuses to approve efforts to re-establish those formerly active internal groups and makes their operation increasingly difficult.

LAST ON THE LIST: LIFERS AND PROGRAM ACCESS

They also describe how challenging it has become to access educational courses and required programs. As ‘Lifers’, they are placed at the bottom of never-ending waiting lists, and this claim has been confirmed to me by staff. For example, at one penitentiary, access to correspondence courses is restricted to single-digit participation because the librarian believes she cannot process more than that. The same librarian also decides what information from the internet to share with the prisoners.

The status degradation ceremonies² and dehumanizing treatment of those serving life sentences seem to have become even more profound. A letter from a life-sentenced individual at Beaver Creek Minimum highlighted just how far we have strayed from the idealism of the New Deal in Corrections, which had the mantra "Prisoners are People."³ The man wrote that while the prisoners were grateful for the GOSO workshop, the most transformative experience for him was simply that I ate a piece of fruit he handed to me on behalf of the Inmate Committee:

It may not seem like anything to you, but without even knowing it, you made me feel like I wasn’t a criminal who had to prove himself. You simply accepted that plum from me like you would have

if some outstanding member of the community offered it to you. I know that may be silly, but it was just a nice feeling that I don’t get to experience any more. (DZ, 2022)ⁱⁱ

How far we have strayed from the days when Lifers’ Groups hosted social events, complete with food they had paid for and helped prepare, to thank the community and volunteers. These gatherings gave the men an opportunity to "break bread," maintain a sense of belonging to a free community, and network with potential supporters should they earn parole. For many prisoners, it was these in-reach connections that played a crucial role in their successful transition and helped them become contributing members of society.

AND NOW: CONCLUDING REMARKS

Now, nearly 40 years after I stood in the doorway, waiting to meet the men of the Infinity Lifers’ Group, I have spent countless hours both behind bars and in the community with paroled individuals. Some of the life-sentenced men I met in that room have remained incarcerated. Some have died while serving time in the community, fingerprinted after death to officially end their parole. Still, others continue to carry the weight of conditions imposed on them decades ago, never fully relieved of the umbilicus tying them to the state. As Mr. Flowers said in my interview with him:

Lifers are fucked ... For a lifer, the easy part is doing the time ... Once they got ten or fifteen years out on the street, they’ll start agreeing. They come to the realization of the hopelessness of their position.

While I don’t believe Mr. Flowers understood that there was still joy to be found, friendships to be made, love to be experienced, and accomplishments to be achieved on parole, he did grasp the weight of a life sentence. Now, no longer the doe-eyed teenage optimist, I’m left feeling as though we took a wrong turn. Abolishing the death penalty was the moral choice, but I’m no longer certain that the life sentence is any more humane – and it seems to be becoming less so with each passing year.

Hope feels faint.

2. This term was coined by Harold Garfinkel (1956).

3. For more on the optimism and progressiveness of the New Deal in Corrections that emerged from the Archambault Commission Report, see Clarkson and Munn (2021).

ii. DZ. (2022, December 10). Personal correspondence with Melissa Munn

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RÉSUMÉ

HOPE INTERRUPTED

MELISSA MUNN

Dans *Hope Interrupted*, Melissa Munn revient sur près de quarante ans de travail auprès de personnes purgeant une peine à perpétuité au Canada, depuis l'optimisme suscité par la clause de la dernière chance jusqu'aux réalités démoralisantes du système actuel. S'appuyant sur ses recherches, les initiatives de soutien par les pairs comme *Getting Out, Staying Out* (GOSO) et de nombreuses séances en prison, elle retrace l'érosion continue des possibilités de réhabilitation et de lien humain. Les reculs législatifs, les restrictions imposées aux bénévoles, l'inaccessibilité des programmes et la disparition des groupes de détenus ont nourri un climat de désespoir. Munn soutient que si l'abolition de la peine de mort fut un progrès moral, la perpétuité qui l'a remplacée est devenue de plus en plus déshumanisante. À travers des témoignages et une réflexion critique, elle souligne la perte de dignité, de voix et de possibilités de réinsertion pour les condamnées à perpétuité.

Another Day of Life

RAY M

In this reflection, artist ray M describes creating his piece Another Day of Life and co-writing the song Time Rider with Hans Lanzrath – two works shaped by the relentless passage of time within a life sentence. Together, the piece and the music express how art becomes a way to inhabit, endure, and give meaning to a sentence that has no end. A link to an audio file of Time Rider is included.

ANOTHER DAY OF LIFE



CREDIT: ray M

@rayM

The original title that began the concept for the art piece was a paraphrase of a lyric from a song by The Waterboys called *Whole of the Moon*:

You saw the crescent, I saw the whole of the moon

For me, this means that those who had my sentence fifty-plus years ago saw a crescent of life, whereas I, with a life sentence, am allowed to see the whole of my lived-out life

Of course, this is a double-edged sword. For there is no rehabilitation for a life sentence. As the judge who sentenced me said, “This is your legacy”.

The next title that came to mind was *Life in a Day*, from a song by Simple Minds. Soon after that I heard another song announced on a Bluegrass program I listen to, *Another Day from Life*, and that seemed to just about encapsulate the feeling I wanted for the piece, with one minor prepositional change.

Meanwhile, Hans and I, who rehearse music during the week and perform nearly every Monday for Tim Smart’s Chapel, began composing a song for which Hans already had the title, *Time Rider*. This comes from the German poet, Jacob Bohme:

*Whom for time is as eternity
And eternity is as time
He is out of all strife*

The lyrics for the song were primarily written by me, using this theme as my launch pad. In them, I explore aspects of the effects of the life sentence on myself and others, as is the eternal aspect to the judge’s-imposed legacy.

While working on the art piece, I would listen on headphones to an audiobook of Patti Smith reading her autobiography, *M Train*. Some interesting correlations emerged between Patti’s existence and mine. First was her discussion of and passion for

prison writing, which she refers to throughout her book. Then you get a real sense she herself is doing time after the loss of her great love, her husband, the musician Fred "Sonic" Smith.

Patti's approach to her grief in *M Train* is seemingly subtle and concealed, but it overtakes you when you realize she is mostly going through the motions in a life severely diminished by her great loss. At one point she is on an airplane to Tokyo, in yet another attempt to fill in the empty space. She says to Fred: "It's time you come back, you've been gone long enough." I hope I am communicating the devastation I felt as she said this. Patti then went on to say how she thankfully fell asleep at that point for the remainder of the flight.

Because one has to ask oneself, over and over, what kind of a life does this sentence give us? Was the repeal of the death sentence a blessing, or... a non-blessing?

I remember speaking with my boys when they questioned me about suicide. We would play this simple game in which I would give them a worst-case scenario and couple that with the choice of life. The point being is that you always, always, always, choose life. Now, sometimes, I wonder, as even in all my worst-case scenarios, I never envisioned such a life as this. Still, I hold true to my teaching. Though it's a day-by-day, by-day lesson.

And that ultimately is my purpose for both works of art. The visual piece, *Another Day of Life*, has much less to do with the image than with the time spent on its creation. Meaning, the viewer can interpret the image as they will, especially, perhaps in context of the *Time Rider* song – for the two are somewhat enmeshed both within my mind as they were created and composed at the same time.

Having a life sentence, and not a death sentence, has allowed these pieces to come into existence. *Time Rider*, beyond its epic lyrical context, is meant to give the listener a Polaroid snapshot of what a life sentence feels like, in the context of a song... in the essence of this song. Meaning, it is long.

ON CREATING ANOTHER DAY OF LIFE:

The piece began by finding the correct backdrop. In provincial jail, a guy gave me this large book of Newsprint for drawing. I took out the middle piece and used the full size of two pages. I began

by tracing circles from various can lids, etc. Then I began the charcoal background – this was done over days using various grades of charcoal, pencil, and pencil crayon. There emerged what appeared to be music notes, so throughout the creation I accentuated these notes. I did not get a chance to view the finished piece and thus this detail of the notes may have gotten obscured. They were meant to be subtle and found by the viewer. Again, *Time Rider*, as well as the *Music of the Spheres*, came to mind. I then began experimenting with pencil crayon shavings, bonded with varnish and glue, at first. Then I bought 4 tubes of acrylic paint: metallic gold, silver, sun yellow, and black. I had varnish, but only matte. I was able to get some glossy off my coworker. For the past few years, I have been collecting metallic foil – mostly from various candy wrappings. I cut this and tin foil up at the library. I mixed paint and glue and varnish and began painting within the circles. Then I sprinkled in foil bits, also pencil crayon shavings. The next morning the piece was fairly curled. That is when I decided to put a backing on the piece.

At the end of the month, we get our toilet paper delivery, so I scooped up the three cardboard boxes once emptied. The library has special serrated scissors, which I used to cut the boxes to size. I glued the six pieces of the boxes together and pressed it overnight under a large pile of books. Then I glued the art piece onto it and pressed. Then I began trimming Popsicle sticks with a nail clipper. I stained the Popsicle sticks with black instant coffee. I built the frame around the piece in three installments, pressing it for each layer I sanded. Then I trimmed my collection of bird feathers and further cut up my foil pieces. I attached them and completed the piece. Then I went to apply the varnish. After a few failed attempts, I got the last-minute idea to empty a spray-clean bottle of its contents and put the varnish in that. This worked. I sprayed the varnish over the piece, smoothing it out with a brush. Then I signed it with a paintbrush and painted the title on the back. Then, because we were let out late Monday evening, I was able to affix the backing hanger

And, yes, I completed the whole of the Patti Smith audiobook, *M Train*, all while working on the piece. When it ended is precisely when I called the piece complete. So, in a way, Ms. Smith is my co-creator, I guess.

Time Rider

BY THE NORTHMEN (RAY M & HANS LANZRATH)

Time Rider is not a typical pop or rock composition, primarily due to its length. It is to be listened to as a rock symphony, which progresses in movements rather than in a concise format. Similarly to *Another Day of Life* – where the is more about the very process of the creation of it than what it represents – with *Time Rider*, the primary point is more the very length of it rather than anything it is saying. The listener is supposed to be made to feel, to glimpse, to experience, throughout the piece what a life sentence feels like to one who is serving it.

Various aspects of personal experiences and suppositions are addressed in the lyrics; all combined with the *Time Rider* theme presented by the German poet, Jacob Bohme. He suggests the *Time Rider* has escaped the strife of time as he is embraced into the arms of eternity. I addressed this aspect presented by Bohme in the line:

*Maybe I don't feel strife because
I don't feel anything at all*

Then there is the eternal aspect to a life sentence: it is a sin which is never forgiven, metaphorically or literally. “The judgement given is one which”, as the judge said to me, “becomes your legacy. And a legacy transcends your time in this plain of existence.”

RÉSUMÉ

TIME RIDER AND ANOTHER DAY OF LIFE

RAY M

Dans cette réflexion, l'artiste ray M décrit la création de sa peinture *Another Day of Life* ainsi que la coécriture de la chanson *Time Rider* avec Hans Lanzrath (audio inclus) – deux œuvres façonnées par le passage implacable du temps au cœur d'une peine à perpétuité. Ensemble, la peinture et la musique montrent comment l'art devient un moyen d'habiter le temps, d'endurer la peine et de donner sens à une condamnation sans fin. Un lien vers un fichier audio de *Time Rider* est inclus.



Click to listen to the full song



EXCERPT FROM THE LYRICS OF TIME RIDER BY THE NORTHMEN (RAY M & HANS LANZRATH):

*[...] Don't know if it's insane or just in vain
But what the hell else do I do
to keep my mind off of you?
What else will see me through?
And what comes after?
Surely not laughter,
No, that's an echo from a distant time...
Time, Ha, that's funny,
At least I have a new mountain to climb,
And some kind of body of water – maybe
an ocean
But what's next, I'm not sure
I'm just not sure
Songs of Emeralds, Ruby's, Diamonds, Silver and
Gold, and such
Turned into corrosion, deterioration, must and
mold it's all too much –
...emeralds, ruby's, diamonds, silver and gold,
and such*

*Have become this empty feeling, devastation, I'm
growing old and out of touch – it's all too much
No electric chair, hangman's noose, or guillotine,
What there is instead: this posting of eternity;
No lethal injection, no firing squad
Just a living rejection, until we finally make our God
Time Rider, riding for his life – On the edge of a knife
Far from his children, his family, his wife...
Time Rider*



click to listen

This recording was made in Cowansville Institution,
Québec, on August 25, 2025.

Conversations in the Mirror

DIRK YOUNG

Written by Dirk Young, a man with a life sentence, this is a story that invites readers into the thoughts and emotions of a person with a life sentence who continues to apply – and be denied – for parole. Through conversations with himself in the mirror, the person in the story confronts remorse, identity, and the weight of perpetual supervision, all while holding on to hope that decision-makers will one day recognize his transformation. It is an example of how it can feel for a person with this sentence to do everything they can to move forward and still be stuck in the same place.

CONVERSATIONS IN THE MIRROR.

Parole Denied, 2025.

One year later, 2026.

Even, today I'm not sure when everything ended. I wanted to cry, feel anger, grief, to actually feel something, like I used to. I smile, but I'm not happy. My whole life I've been denying myself, searching in this silence, for someone like me, possibly a fellow lifer, that's my label now. I feel it's just a whole life wasted, looking for an answer, without finding it. Gazing upon my reflection, I've learned so many things from you, but I forgot the most essential thing, it was me, wasn't it? All this time, all along. It was me. I can't deny myself forever.

I wish I could take it back. Not because of what I've endured but because I did what you would have wanted, but I can't forgive myself for not revealing the true me. Why didn't I know how to ask for help? And knowing there is something else out there, and that you deserve more from me today, you deserve everything, so I'm going to stop denying 'us'. I'm just tired of you simply being a reflection in the mirror; and me, just another piece in the assembly line. When will they see us, you and me, as one?

Searching is just a yearning. Yearning to escape from this torture, days turn into years and I'm always feeling trapped. Even though I made the decision within myself to face my demons (it seems like forever ago). The reason why I have been able to talk to you all these years is knowing that we have done all we can. There is nothing else to do. It is a waiting game now. 'They' decide. So, I'm left here on pause. I wonder, who and what the 'deciders' would become if they were here alongside you and I, witnessing and feeling what we have survived.



DIRK YOUNG

Dirk Young was born in Newcastle, England on May 15th, 1980. He was raised by his mother and father until his father left when he was 7 years old. He grew up

as an only child and both Dirk and his mother struggled, surviving on government assistance.

When Dirk turned 14, he and his mother decided to start a new life in Canada.

After his 15th birthday, he ran away from home. By his 17th birthday, he was a member of a gang. Five days after his 21st birthday, a killing occurred that sent a shock wave through his community.

By his 23rd birthday he was charged with first-degree murder and 3 years later, in 2006, he was convicted.

Mr. Young served 15 years in several Canadian penitentiaries. In 2017, at the age of 37, Dirk was released on parole and will remain on parole for the remainder of his natural life.

You ever think about that moment, the one where you got a little bit too big, too old, too heavy, to carry stuff anymore? I don't know if I learned from a bad person to do bad things, or I'm a good person who did a bad thing. I can't trust them to tell my truth as I am afraid they will document it incorrectly and use it as ammunition to hurt me. After all this time, I am still stuck, now knowing how to ask for help, but fear the consequences. I will never harm again, less than 2% of us do, but when that 2% does, the rest of us suffer more because of it.

Staring back at you from inside this glass, I ask you, what sets us apart from the ones that get left behind? Yes, I know, we can't change what we've done. You are not a bad human; we are just here together patiently waiting on the 'deciders.' I blame no one. I look upon you and see what we've done. I cling to hope that they see it too, because what an opportunity we have, tomorrow could be the first day of the rest of our lives.

Parole Denied, 2026.

They said no again. Still stuck on pause, until next year, 2027.

RÉSUMÉ

CONVERSATIONS IN THE MIRROR

DIRK YOUNG

Un récit introspectif de Dirk Young, un homme purgeant une peine à perpétuité, qui invite les lecteurs à entrer dans les pensées et les émotions d'une personne qui continue de demander – et de se voir refuser – la libération conditionnelle. À travers des dialogues avec son reflet dans le miroir, le protagoniste affronte le remords, l'identité et le poids d'une surveillance perpétuelle, tout en s'accrochant à l'espoir que les décideurs reconnaîtront un jour sa transformation. Le texte illustre ce que peut ressentir une personne condamnée à perpétuité lorsqu'elle fait tout pour aller de l'avant, mais demeure malgré tout figée au même point.



To read about Dirk's story, get his novel *Over, Under or Through It* in paperback or on Kindle.

"This is a story of heartache, and the adopted teachings in life we all absorb as part of our character. Be warned, its honesty is rare and shocking.

Mr. Young takes you on an emotional rollercoaster that will leave you for him or against him. Why do we do the things we do, act the way we act? And above all, who shapes our morals, our beliefs, and our principles?

This story explores life's struggles, losses, the adventures of poor choices and especially how the actions of a single moment can change a person's reality forever."

La clause de la dernière chance... ou comment avoir évité 4000 ans de prison à 250 Canadiens!

MICHEL DUNN

Entre 1987 et 2025, la révision judiciaire est demeurée accessible aux condamnés à perpétuité avant son abolition, permettant à 250 Canadiens de demander une libération anticipée après 15 ans. Ils ont ainsi évité plus de 1 100 années d'incarcération inutile, ayant déjà purgé plus de 4 000 ans. Instaurée en 1976 avec l'abolition de la peine de mort, la révision judiciaire (« clause de la dernière chance ») laissait les tribunaux juger de la réhabilitation. Seuls 14% ont réussi, mais beaucoup contribuent aujourd'hui à la société – travailleurs, aidants, pères, arrière-grands-pères – tout en économisant environ 195 millions aux contribuables. Abolie en 2011 mais non rétroactive, elle reste possible jusqu'en 2026 pour ceux condamnés avant cette date. Sa disparition imminente mérite réflexion : pour beaucoup – notamment en établissements à sécurité plus élevée – elle incarne la perte d'espoir.

Aussi surprenant que cela puisse paraître, il s'agit d'un fait bien réel : deux cent cinquante personnes (des hommes en très grande majorité), condamnées à perpétuité, ont bénéficié de la révision judiciaire entre 1987 et 2025. Ce qu'il faut savoir, cependant, c'est qu'elles avaient déjà purgé ensemble plus de quatre mille années d'incarcération avant d'obtenir le privilège d'éviter les mille cent années qui restaient. Une quinzaine d'autres condamnés à perpétuité auront peut-être encore l'opportunité d'épargner quelques années d'incarcération avant leur retour en communauté, mais ce seront les derniers, car la révision judiciaire n'existera plus à compter de 2026.

CONTEXTE DE LA RÉVISION JUDICIAIRE

En juillet 1976, le Parlement canadien a voté en faveur de l'abolition de la peine de mort. Dans la même foulée, il a instauré les peines minimales obligatoires dans les cas de meurtre. Le compromis auquel sont arrivés les partisans de la peine de mort et leurs opposants a été de remplacer celle-ci par l'emprisonnement à long terme, sans possibilité de libération conditionnelle avant d'avoir purgé un minimum de 25 ans dans le cas de meurtre au premier degré (prémédité) et entre 10 et 25 ans pour un meurtre au deuxième degré (non-prémédité).

Parallèlement à l'abolition de la peine de mort, le Parlement a instauré le processus de la révision



MICHEL DUNN

Il a donc passé la majeure partie de sa vie entre l'ordre (la loi) et le désordre (la prison). Il sait ce que ressent le prisonnier, il sait ce que ressent l'intervenant en milieu carcéral... Dans le cadre de son travail, il tente de favoriser une véritable rencontre entre les deux, car c'est à partir de là que s'organise le processus de guérison. Aujourd'hui encore et pour le reste de ses jours, Michel Dunn est un détenu en libération conditionnelle. Jamais il n'oubliera le tort irréparable qu'il a causé.

Récipiendaire du prix Tom French en 2002 et du Luxton Award en 2021, mis en nomination pour le prix Pierre Allard en 2007, Michel Dunn se veut l'un des nombreux exemples prouvant que l'être humain peut changer...

judiciaire, aussi appelé « la clause de la dernière chance ». De ce fait, de 1976 à 2011, (ou jusqu'en 2026 pour les personnes condamnées avant 2011, la loi n'étant pas rétroactive) une personne condamnée pour meurtre pouvait se prévaloir de la révision judiciaire. Celle-ci donnait aux personnes condamnées à perpétuité qui n'étaient pas admissibles à la libération conditionnelle avant au moins 15 ans la possibilité de faire réexaminer leur date d'admissibilité à la libération conditionnelle à la lumière de nouveaux renseignements.

La requête en révision judiciaire est entendue devant un juge et douze jurés dans le même district judiciaire où a eu lieu la condamnation initiale et la décision finale est entièrement entre les mains du jury. C'est donc dire que 3000 citoyens-citoyennes (jurés) ont pris la décision d'avancer la date d'admissibilité à la libération conditionnelle de ces 250 condamnés à perpétuité... parce qu'ils ont constaté qu'ils avaient effectué une véritable prise de conscience qui avait profondément transformé leur vie.

La révision judiciaire n'accordait pas la libération conditionnelle, mais permettait d'en avancer la date d'admissibilité. Voilà pourquoi il était si important que chaque personne souhaitant se prévaloir de la mesure apporte de véritables changements dans sa vie.

Le Service correctionnel n'appuyait les demandes de libération conditionnelle qu'en présence de signes clairs de réhabilitation significative et durable chez le ou la requérant(e). Et la Commission des libérations conditionnelles canadiennes n'accordait la libération conditionnelle qu'aux mêmes conditions.

C'est probablement pour cette raison que les 250 condamnés à perpétuité dont nous parlons ne représentent qu'environ 14 % des condamnés à perpétuité qui étaient admissibles à la révision judiciaire. Plus de 2000 personnes (détenus à perpétuité) n'ont jamais présenté de demande ou l'ont vu rejetée par le jury.

Et que font ces 250 personnes aujourd'hui ? Comptables, administrateurs, informaticiens, intervenants sociaux travailleurs de rue, plombier, menuisiers, retraités. Ils sont des maris, des pères, des grands-pères... arrière-grands-pères. Ils sont redevenus des citoyens respectueux des lois et utiles au sein de la société. Ils sont extrêmement

conscients du mal qu'ils ont causé, et profondément reconnaissants pour le pardon accordé ainsi que pour cette opportunité d'essayer de réparer l'irréparable.

Enfin, et pleinement conscient que la vie n'a pas de prix, il faut tout de même savoir que chaque année d'incarcération coûte environ 130,000.00 \$ aux contribuables canadiens. Il y a donc ici une économie de 195 millions de dollars qui, on peut l'espérer, a servi à améliorer la vie des Canadiennes et des Canadiens.

LE COUP DE GRÂCE DE CETTE MESURE EXCEPTIONNELLE

Le 2 décembre 2011, le Parlement fédéral canadien, sous le gouvernement de Harper, a aboli la révision judiciaire... C'en était fini de la clause de la dernière chance. Ce faisant, le gouvernement a retiré à toutes les personnes condamnées pour meurtre au premier et au deuxième degré la principale source de motivation susceptible de les inciter à assumer la gravité de leur geste et à entreprendre le difficile parcours de remise en question. Ce qui est vraiment désolant dans cette histoire, c'est qu'on a ainsi prolongé, parfois de 10 ans, l'incarcération des personnes détenues les plus enclines à se réhabiliter.

AUTRE FAIT DÉSOLANT

Entre les années 1990 et 2011, la plupart des personnes incarcérées admissibles grâce à leur

LA « CLAUSE DE LA DERNIÈRE CHANCE » AU CANADA

La révision judiciaire, surnommée la « clause de la dernière chance », permettait à certaines personnes condamnées à perpétuité de demander une admissibilité anticipée à la libération conditionnelle après avoir purgé au moins 15 ans. Ce processus, instauré en 1976 lors de l'abolition de la peine de mort, a été aboli en 2011 par le gouvernement Harper. Toutefois, l'abolition n'étant pas rétroactive, les personnes condamnées avant 2011 y ont encore accès. La dernière demande devra être déposée d'ici 2026, ce qui mettra fin à cette disposition. Sa disparition a éliminé une source essentielle de motivation pour les personnes incarcérées en démarche de réhabilitation.

cheminement exemplaire se présentaient à la révision judiciaire après avoir purgé environ 16 ans de leur peine, soit plus ou moins un an après leur quinzième année d'incarcération. Ce délai était parfaitement acceptable compte tenu du temps nécessaire à la préparation du dossier avant l'audition devant la Cour et le jury.

Après 2011, et pour ceux et celles qui étaient et qui sont encore admissibles à la révision judiciaire parce qu'ils ont été condamnés pour meurtre avant 2011, on constate qu'ils se présentent de plus en plus tard à la révision judiciaire, soit après avoir purgé environ 21 ans de leur peine.

QU'EST-CE QUI EXPLIQUE CE RETARD?

La raison est bien simple : les personnes admissibles à la révision judiciaire ne sont pas transférées assez rapidement dans les établissements à sécurité minimale, dorénavant un prérequis pour que les juges acceptent d'accorder le droit à la révision judiciaire. Tant que les personnes condamnées pour meurtre sont incarcérées dans des établissements à sécurité maximale et moyenne, elles ne peuvent pas obtenir la permission d'un juge de procéder à leur révision judiciaire.

Cet écart entre les périodes avant et après l'abolition de la révision judiciaire peut laisser croire que les autorités pénitentiaires et les agents de libération conditionnelle se sont déjà adaptés au principe de l'abolition de la révision judiciaire et qu'ils laissent les détenus purger plus de temps dans les niveaux de sécurité supérieurs avant de les transférer dans les établissements à sécurité minimale.

Alors qu'on voyait fréquemment des détenus avoir la possibilité de se présenter devant la CLCC après avoir purgé environ 17 ans de leur sentence à perpétuité, on constate maintenant qu'ils se présentent devant la CLCC après avoir purgé 22 ou 23 ans de leur sentence, rendant ainsi presque inutile la révision judiciaire.

En 1991, un comité chargé d'examiner la situation des condamnés à perpétuité avait fait la constatation suivante :

« L'information traitée à partir des 495 profils de détenus n'a pas de prétention scientifique. Elle nous permet toutefois de confirmer ou d'infirmer certaines perceptions véhiculées lors de nos consultations. Plus spécifiquement, cette

information nous permet de conclure d'une part que notre gestion actuelle de ces cas n'est pas toujours basée sur une évaluation individuelle des risques et besoins de notre groupe-cible mais plutôt basée sur la longueur de la sentence.

Ces données statistiques devraient nous servir de guide en vue d'élaborer un cadre conceptuel nous permettant d'atteindre une qualité et une efficacité accrues dans nos interventions auprès des détenus admissibles à une révision judiciaire. » (Service correctionnel, Rapport du groupe d'étude sur les longues sentences, 1991, page 59).

CONSÉQUENCES JURIDIQUES

Et maintenant, quelle est donc la réalité de toutes ces personnes qui n'ont pas accès à la révision judiciaire dans un délai raisonnable, et pour toutes les autres qui ne peuvent désormais plus s'en prévaloir et qui devront purger 25 ans avant d'être admissibles à une libération conditionnelle? J'en ai rencontré plusieurs dans le cadre de mon travail au sein de l'Aumônerie communautaire de Montréal. Je ne parle pas ici de ceux qui sont révoltés et qui continuent de vivre dans la violence, non, je parle de ceux qui cheminent très bien, vous savez ce « gang » des 14 %, confinés dans les différents établissements à sécurité moyenne du Canada. Ces personnes ont déjà purgé entre 4 et 8 ans de leur sentence et ils ont un comportement exemplaire. Dans le jargon correctionnel, la cote pour un minimum est de 16... et ils sont à 16.5... presque arrivés. Malheureusement ils ne pourront pas descendre à 16 avant dix ou quinze ans car la longueur de leur sentence est un obstacle majeur à leur transfert dans un établissement à sécurité minimale.

Comment peut-on dire à toutes ces personnes qui cheminent très bien et qui veulent continuer de s'améliorer que, dorénavant, ce cheminement est mis sur pause pendant toutes ces années du fait de la longueur de leur sentence?

CONSÉQUENCES HUMAINES

Et que font aujourd'hui toutes ces personnes à qui on a enlevé tout espoir et qui ne demandent qu'à poursuivre leur cheminement positif? Malheureusement, elles sont bloquées indéfiniment dans des établissements qui ne conviennent pas du tout à leur situation, et leurs propos sont des plus éloquentes :

« Je suis complètement découragé... Je n'ai plus d'espoir... Je suis fâché parce que j'espérais qu'on reconnaisse mon cheminement... Non, c'est assez le niaisage – à quoi ça sert tous les programmes que j'ai faits? Je ne vois pas le bout du tunnel, et il me reste encore 17 années à purger... J'ai des idées noires et je pense de plus en plus souvent au suicide. Je n'en peux plus Ils se moquent de moi et reculent constamment les dates de mon transfèrement J'ai de plus en plus l'impression d'aller nulle part, rien ne bouge... Je ne comprends plus rien, je crois que le système est corrompu... Des fausses promesses, rien que des fausses promesses. »

Et je travaille également avec des gars qui ont fini par se décourager devant la longueur interminable de leur sentence et qui ont perdu cet espoir si nécessaire au plus profond de la noirceur. Ces gars ont finalement purgé bien plus que 25 ans en prison... 40... 50 ans! Et même davantage, avant d'être finalement libérés, âgés, malades, complètement institutionnalisés, essayant tant bien que mal de retrouver une parcelle d'autonomie dans un monde qui s'est dramatiquement transformé durant leur mise à l'écart.

On pourrait sans doute faire mieux.

SUMMARY

LA CLAUSE DE LA DERNIÈRE CHANCE... OU COMMENT AVOIR ÉVITÉ 4000 ANS DE PRISON À 250 CANADIENS!

MICHEL DUNN

Between 1987 and 2025, Canada's judicial review – known as the “faint hope clause” – allowed 250 life-sentenced prisoners convicted before its repeal to seek earlier parole after 15 years, sparing over 1,100 years of unnecessary incarceration after the 4,000 already served. Created in 1976 alongside death penalty abolition, judicial review let a judge and jury assess if applicants had truly changed. Only 14% succeeded, but many now contribute to society as workers, caregivers, and grandfathers, saving taxpayers an estimated \$195 million. It remains available until 2026 for those sentenced before the repeal in 2011. Its looming end ribs lifers of hope and motivation. For many – unable to qualify because they remain (sometimes unduly) in higher-security institutions – it means profound loss of hope.

L'espoir au-delà des barreaux : la gestion des peines d'emprisonnement à perpétuité au fédéral

Extraits du Rapport annuel 2023-2024 du Bureau de l'enquêteur correctionnel du Canada

BUREAU DE L'ENQUÊTEUR CORRECTIONNEL DU CANADA



La mission du Bureau de l'enquêteur correctionnel est d'assurer le traitement équitable et humain des personnes purgeant une peine fédérale. Pour ce faire, il faut attirer l'attention sur les obligations en matière de droits de la personne et tenir le SCC responsable de l'administration des services correctionnels fédéraux d'une manière conforme à la loi, aux politiques et à un processus décisionnel équitable.

L'enquêteur correctionnel est mandaté par la partie III de la Loi sur le système correctionnel et la mise en liberté sous condition en tant qu'ombudsman indépendant pour les personnes placées sous la garde ou la surveillance du Service correctionnel du Canada. La fonction première du Bureau est d'enquêter sur les plaintes individuelles relevant de sa compétence et d'y apporter une solution. Le Bureau a également la responsabilité d'examiner les politiques et procédures du Service correctionnel associées aux plaintes individuelles et de formuler des recommandations à leur sujet, afin d'assurer que les problèmes systémiques sont identifiés et traités de manière appropriée.

LES PEINES D'EMPRISONNEMENT À PERPÉTUITÉ ET LE CODE CRIMINEL

En date du 18 février 2024, il y avait environ 3 600 détenus sous responsabilité fédérale purgeant une peine d'une durée indéterminée (c.-à-d. lorsque la peine d'emprisonnement n'a pas de date de fin), aussi appelés « condamnés à perpétuité », ce qui représente 26 % de la population carcérale totale. Le terme « condamné à perpétuité » s'applique aux personnes condamnées comme suit :

Ceux qui purgent une peine minimale obligatoire d'emprisonnement à perpétuité en vertu de l'article 745 du Code criminel et qui ne sont pas admissibles à la libération conditionnelle avant d'avoir purgé entre 10 et 25 ans (tel que déterminé par la cour). À l'heure actuelle, 80 % des détenus sous responsabilité fédérale purgeant une peine d'une durée indéterminée ont été condamnés à une peine minimale obligatoire d'emprisonnement à perpétuité (peine à perpétuité minimale).

Ceux qui sont déclarés délinquants dangereux en vertu de l'article 752 du Code criminel. Parmi les personnes purgeant une peine d'une durée indéterminée, 17 % ont la désignation de délinquant dangereux.

Ceux qui purgent une peine d'emprisonnement à perpétuité sans peine minimale obligatoire prescrite par la loi. Ces cas sont appelés les peines maximales à perpétuité, et un juge peut imposer une période discrétionnaire maximale avant l'admissibilité à la libération conditionnelle.

PEINES À PERPÉTUITÉ AU CANADA – EN BREF

Plus de 3 600 personnes purgent une peine d'une durée indéterminée (26 % de la population carcérale fédérale).

La majorité (80 %) purgent une peine obligatoire à perpétuité avec une période d'inadmissibilité à la libération conditionnelle de 10 à 25 ans.

17 % sont désignées délinquants dangereux.

Le Canada compte désormais parmi les juridictions de common law les plus sévères en matière d'inadmissibilité à la libération conditionnelle.

(Source : Bureau de l'enquêteur correctionnel, Rapport annuel 2023-2024)

À l'heure actuelle, 3 % des personnes purgeant une peine d'une durée indéterminée purgent une peine à perpétuité maximale.

Les autres (moins de 0,5 %) personnes incarcérées pour une période indéterminée sont pour la plupart des personnes déclarées « non responsables criminellement pour cause de troubles mentaux » (NRCTM) et elles sont emprisonnées en vertu de l'article 672.54 du Code criminel.

CONTEXTE POLITIQUE ET LÉGISLATIF

En 1976, avec l'adoption du projet de loi C-84, le Canada a été l'un des premiers pays à abolir la peine capitale. Après son abolition, le Canada a adopté des peines minimales obligatoires d'emprisonnement à perpétuité. Cela signifiait que ces personnes demeuraient incarcérées pendant une période prescrite avant de pouvoir présenter une demande de libération conditionnelle (note de bas de page 96). Depuis la fin des années 1970, les tribunaux imposent de plus en plus de périodes d'inadmissibilité à la libération conditionnelle au moment de la détermination de la peine, ce qui entraîne une augmentation du temps passé derrière les barreaux, et même des périodes qui dépassent les dates d'admissibilité à la libération conditionnelle.

« Le Canada compte désormais parmi les juridictions de common law les plus sévères en matière de peines à perpétuité. »

Le 2 décembre 2011, Loi protégeant les Canadiens en mettant fin aux peines à rabais en cas de meurtres multiples est entrée en vigueur, permettant aux juges d'imposer des périodes consécutives d'inadmissibilité à la libération conditionnelle de 25 ans pour les homicides multiples au premier degré. En même temps, par l'entremise du projet de loi S-6 (Loi renforçant la sévérité des peines d'emprisonnement pour les crimes les plus graves), la « disposition de la dernière chance » a été abolie. Avant décembre 2011, cette disposition de l'article 745.6 du Code criminel permettait aux personnes purgeant une peine d'emprisonnement à perpétuité de demander que leur admissibilité à la libération conditionnelle soit revue après avoir purgé au moins 15 ans de leur peine. Ces modifications législatives ont été apportées en dépit des conclusions d'une étude parlementaire montrant que « [la durée moyenne d'incarcération des

délinquants condamnés à perpétuité] est plus longue au Canada que dans tous les pays visés par l'étude [...] » (note de bas de page 98).

À la suite de ces modifications, la période minimale d'inadmissibilité à la libération conditionnelle obligatoire au Canada pour les meurtres au premier degré est maintenant l'une des plus sévères parmi les pays semblables de juridiction common law.

Dans un rapport de 2019 publié conjointement avec la Commission canadienne des droits de la personne, le Bureau a commenté sur la portée des peines d'une durée indéterminée :

« [...] les longues périodes d'incarcération ne servent plus à atteindre l'objectif ou l'intention du tribunal au moment de la détermination de la peine et ne sont peut-être plus nécessaires à la sécurité publique. De plus, ces longues périodes d'emprisonnement peuvent parfois porter atteinte à la dignité humaine ».

Cette préoccupation a également été soulignée par l'organisation Penal Reform International dans son exposé d'avril 2012 intitulé « La vie après la mort : Qu'est-ce qui remplace la peine de mort? ».

« Les conditions de détention pour les condamnés à perpétuité, aggravées par la nature des peines, ont un profond impact sociologique et psychologique sur les prisonniers, ce qui va à l'encontre de l'objectif de réhabilitation du châtimement. [Traduction] »

Naturellement, la réinsertion sociale n'est pas l'objectif immédiat pour les condamnés à perpétuité qui en sont encore aux premières étapes de leur peine. La plupart des condamnés à perpétuité purgeront une longue période de leur peine en établissement et demeureront sous surveillance pendant toute leur vie; c'est-à-dire pour ceux qui bénéficient du soutien pour une libération conditionnelle. Au cours des deux dernières décennies, les condamnés à perpétuité (à l'exclusion des délinquants dangereux) ont représenté 2,7 % de toutes les libérations, bien qu'ils aient représenté 20 % de l'ensemble de la population carcérale fédérale au cours de la même période.

Autre que de limiter les chances de libération, une peine d'une durée indéterminée en soi devrait avoir peu d'effet sur l'accessibilité à une cote de sécurité inférieure, pourvu que la personne atteigne le seuil

établi par l'article 18 du Règlement sur le système correctionnel et la mise en liberté sous condition. La classification de sécurité minimale, moyenne ou maximale est fondée sur la mesure dans laquelle la personne évaluée :

- Présente un risque d'évasion et présente un risque pour la sécurité du public en cas d'évasion;
- Nécessite une surveillance et un contrôle au sein du pénitencier (c.-à-d. une « adaptation à l'établissement »).

Bien entendu, la loi impose des contraintes supplémentaires à l'accès à la libération conditionnelle et aux permissions de sortir, et la plupart des condamnés à perpétuité commenceront à purger leur peine dans un établissement à sécurité maximale pendant au moins deux ans.

Constatations par thèmes¹

1. Une Échelle de réévaluation de la cote de sécurité (ERCS) biaisée et des évaluations inadéquates des risques.
2. Attentes comportementales déraisonnables.
3. Intégration inadéquate des « quatre phases d'une peine d'emprisonnement à perpétuité » dans les Plans correctionnels.
4. Programmation et recours excessif et utilisation inappropriée des interventions correctionnelles : Programmes de maintien des acquis; Condamnés à perpétuité autochtones dans les Sentiers autochtones; Incarcération en établissement à sécurité moyenne bien après la date d'admissibilité à la libération conditionnelle.

L'enquête actuelle a révélé plusieurs problèmes graves liés à la gestion des cas et à la planification de la peine. Bien que certaines de ces problématiques ne s'appliquent pas exclusivement aux condamnés à perpétuité, leurs effets sont aggravés par des peines plus longues et un seuil plus élevé d'examen public.

Une Échelle de réévaluation de la cote de sécurité (ERCS) biaisée et des évaluations inadéquates des risques

Les décisions de réévaluation de la cote de sécurité pour les hommes sont informées par un outil actuariel, l'Échelle de réévaluation de la

cote de sécurité (ERCS), en conjonction avec une évaluation structurée et individualisée du risque pour la sécurité publique, du risque d'évasion et de l'adaptation en établissement. Dans notre examen de cas, on note que la majorité (83 %) des décisions de reclassification de sécurité se soumettent à la recommandation de l'ERCS. Toutefois, nous avons également constaté que les réévaluations de cote de sécurité ne présentaient pas de façon réfléchie la consignation des risques et qu'elles ne tenaient pas compte des biais évidents de l'ERCS qui désavantagent les condamnés à perpétuité.

« Seulement 4 des 35 détenus à perpétuité examinés ont pu réaliser une sortie avec escorte. »

Permissions de sortir

Un exemple de la façon dont les ERCS désavantagent systématiquement les condamnés à perpétuité est l'inclusion des permissions de sortir. En théorie, les permissions de sortir constituent un outil correctionnel important dans le processus de réhabilitation, facilitant le passage opportun et sécuritaire des personnes condamnées vers des niveaux de sécurité inférieurs et, éventuellement, vers leur libération et leur réinsertion sociale.

Toutefois, les condamnés à perpétuité dans les établissements à sécurité moyenne ont de la difficulté à obtenir des permissions de sortir, ce qui nuit à leur capacité de démontrer qu'ils sont prêts pour un niveau de sécurité inférieur, ce qui a un effet direct sur leur cotation de l'ERCS. Dans notre examen de cas, nous avons constaté que 66 % (23 sur 35) des personnes avaient appliqué pour des PSAE, dont 15 avaient été approuvées, mais seulement quatre personnes avaient pu en bénéficier.

En même temps, de nombreux membres du personnel ont signalé une demande accrue de la part des décideurs pour des PSAE réussies avant d'appuyer les transferts des condamnés à perpétuité vers une cote de sécurité inférieure. Plus précisément, les décideurs citent l'absence de PSAE réussies pour justifier le maintien des condamnés à perpétuité à une sécurité plus élevée. Cependant, le personnel a souvent remis en question cette exigence, car ils ne sont pas convaincus que les PSAE

1. [Note de la rédaction : Les extraits suivants sont tirés de la section « Constatations thématiques » du Rapport annuel 2023-2024 du Bureau de l'enquêteur correctionnel.]

atténuent réellement le risque ou aident à préparer les personnes à des placements vers une sécurité moindre, malgré l'insistance des décideurs, comme dans l'exemple ci-dessous.

Mises à jour du Plan correctionnel

La mise à jour du Plan correctionnel joue un rôle important dans l'examen de la réévaluation de la cote de sécurité. Cependant, il est bien connu que les mises à jour du Plan correctionnel pour les condamnés à perpétuité sont rarement effectuées en temps opportun, et ils ne reflètent pas toujours les progrès réels qu'une personne a réalisés.

Pourtant, les réévaluations de cote de sécurité, incluant l'ERCS, considèrent le progrès cité dans le Plan correctionnel dans la prise de décisions. En date du 18 février 2024, le Plan correctionnel des personnes purgeant une peine d'une durée déterminée a été mis à jour de deux à trois fois plus récemment que celle des personnes purgeant une peine d'une durée indéterminée.

Compte tenu de ces délais, les réévaluations de la cote de sécurité sont souvent fondées sur des événements et des évaluations désuètes qui éclipsent les récents progrès réalisés par les condamnés à perpétuité. Bien que le SCC ait reconnu ce problème dans un bulletin de gestion de cas (note de bas de page ,110) daté du 26 février 2024, rappelant au personnel que « [...] le Plan correctionnel du délinquant permettra de déterminer les objectifs et les événements importants relatifs au déclassement du niveau de sécurité », sa mise en œuvre demeure difficile.

« On m'a dit que je ne recevrais aucun soutien pour quoi que ce soit avant d'avoir purgé 15 ans de ma peine. » – condamné à perpétuité

Programme excessif et utilisation inappropriée des interventions correctionnelles

Dans presque tous les cas, les détenus condamnés à perpétuité que nous avons examinés ont été évalués « motivés » à l'égard de leur Plan correctionnel. Au moment de la rédaction du présent rapport, nous avons constaté que les condamnés à perpétuité revus dans le cadre de notre examen avaient terminé en moyenne quatre programmes correctionnels chacun,

que presque tous avaient un emploi constant, que plus de 80 % avaient terminé leurs études ou étaient aux études, et que plus du quart d'entre eux étaient inscrits à des études postsecondaires.

« J'ai fait mes demandes pour le minimum. Ils n'arrêtaient pas de me dire qu'il est trop tôt. On m'a dit que je ne recevrais aucun soutien avant d'avoir purgé 15 ans de ma peine. Pourtant, j'ai terminé mon programme principal, je travaille et je participe activement à mon Plan correctionnel. »

« ...le maintien arbitraire de personnes à des niveaux de sécurité plus élevés est illégal et ne contribue guère, sinon pas du tout, à la sécurité publique des Canadiens. »

CONCLUSION

Comme il a été démontré dans le cadre de la présente enquête, le biais inhérent à l'Échelle de réévaluation de la cote de sécurité (ERCS) et les évaluations des risques mal préparées constituent des obstacles systémiques pour les condamnés à perpétuité lors de la réévaluation de leur côté de sécurité. Cette situation est exacerbée par une gestion et une planification des peines. L'effet cumulatif de ces lacunes dans les politiques et les pratiques est que les condamnés à perpétuité sont maintenus dans des établissements à des niveaux de sécurité plus élevés pendant de plus longues périodes, sans avoir d'objectif clair de réhabilitation ou de réinsertion.

Plutôt que d'exiger que le personnel remplisse des listes de vérification longues et arbitraires, le Service correctionnel du Canada devrait élaborer des stratégies d'atténuation des risques pour appuyer les condamnés à perpétuité dans leur éventuelle réinsertion sociale. Trop souvent, afin d'apaiser les déclarations et les critiques du public, des décisions opérationnelles et des directives nationales sont prises à la lumière d'un petit nombre de cas très médiatisés qui entravent le processus de réinsertion d'un grand nombre d'autres personnes. Nous reconnaissons que le soutien à la réinsertion des condamnés à perpétuité peut comporter un risque politique; cependant, le maintien arbitraire de personnes à des niveaux de sécurité plus élevés est illégal et contribue peu, voire pas du tout, à la sécurité publique des Canadiens.

Recommandations

[Extrait et reformaté à partir des points mentionnés dans le rapport original]

Je recommande que le SCC examine et révise les processus de réévaluation de la cote de sécurité pour

- Fournir un soutien supplémentaire au personnel dans la préparation des évaluations de risque et des recommandations; et, assurer un examen approfondi et obligatoire des décisions qui permettraient de réévaluer les condamnés à perpétuité d'un établissement à sécurité minimale à un établissement à sécurité moyenne. Ces décisions devraient exiger un examen exhaustif et l'évaluation de stratégies d'atténuation des risques.

Je recommande que le SCC revoie ses politiques relatives aux mises à jour du Plan correctionnel dans le but de :

- Réduire les délais d'exécution des mises à jour pour les condamnés à perpétuité; et mettre fin à l'imposition d'attentes déraisonnables en matière de comportement.

Je recommande que le SCC revoie son processus de planification de la peine afin d'offrir au personnel le soutien nécessaire afin d'élaborer des plans de peine individualisés pour les condamnés à perpétuité.

Je recommande que le SCC fasse appel à l'expérience et à l'expertise d'organismes bénévoles nationaux, comme la Société St. Leonard du Canada et PeerLife Collaborative, pour offrir du soutien aux condamnés à perpétuité dans les établissements fédéraux, de leur admission à leur libération dans la communauté. De plus, ces organismes devraient bénéficier d'un soutien :

- En augmentant de manière significative le financement et leur accès en fonction de leurs besoins;
- En les intégrant dans les discussions, la planification, le développement de projets et de stratégies concernant les personnes condamnées à perpétuité;
- En soutenant leurs efforts pour offrir un soutien par les pairs et pour offrir des possibilités de dissociation des gangs dans les prisons fédérales.

Je recommande que le SCC revoie l'exigence relative aux évaluations du risque psychologique pour les personnes qui souhaitent être transférées à un

établissement à sécurité minimale, dans le but de réduire les délais qui nuisent à la prise de décisions en temps opportun.

Je recommande que la Stratégie nationale pour les condamnés à perpétuité du SCC :

- Reconnaisse et intègre explicitement les conclusions de cette enquête;
- Ait une portée nationale et tienne compte des expériences des condamnés à perpétuité à tous les niveaux de sécurité;
- S'appuie sur des consultations avec les condamnés à perpétuité incarcérés, le personnel participant directement à la gestion des cas de condamnés à perpétuité et les intervenants externes;
- Soit rendue publique, avec des échéanciers précis sur la façon dont le SCC prévoit répondre aux préoccupations soulevées dans le cadre de cette enquête, ainsi que d'autres préoccupations soulevées au cours des consultations.

ANNEXE

Population de peines à perpétuité minimales: Profil et statistiques de localisation

La représentation des Autochtones purgeant une peine à perpétuité minimale est inférieure à celle de la population carcérale totale (29,4 % comparativement à 33,1 %); cependant, les détenus noirs sont plus représentés parmi les personnes condamnées à une peine à perpétuité minimale (12,2 % comparativement à 9,7 % de tous les détenus sous responsabilité fédérale). Les femmes représentent une proportion légèrement plus faible des personnes purgeant une peine à perpétuité minimale (4,6 %) comparativement à leur représentation au sein de la population carcérale totale (5,6 %). En ce qui a trait à l'âge, les personnes purgeant une peine à perpétuité minimale ont tendance à être plus âgées (47,9 ans comparativement à 41,8 ans pour tous les détenus sous responsabilité fédérale), peut-être en raison de leurs peines plus longues et des périodes plus longues d'inadmissibilité à la libération conditionnelle

Note de la rédaction : Comme indiqué dans son titre, cet article s'appuie sur des extraits du Rapport annuel 2023-2024 du Bureau de l'enquêteur correctionnel. Les notes de bas de page et les références proviennent également de ce rapport : <https://oci-bec.gc.ca/fr/content/rapport-annuel-du-bureau-enqueteur-correctionnel-2023-2024?utm>



SIU Yard, Port Cartier Institution | Cour de l'UIS, Établissement de Port Cartier

Source : Bureau de l'enquêteur correctionnel. (2024). Rapport annuel 2023-2024, p. 118. Reproduit avec autorisation. | Office of the Correctional Investigator. (2024). Annual Report 2023-2024, p. 118. Reproduced with permission. <https://oci-bec.gc.ca/en/content/office-correctional-investigator-annual-report-2023-24> / <https://oci-bec.gc.ca/fr/content/rapport-annuel-du-bureau-enqueteur-correctionnel-2023-2024>



Indigenous grounds at Edmonton Institution | Terrains autochtones à l'Établissement d'Edmonton

Source : Bureau de l'enquêteur correctionnel. (2024). Rapport annuel 2023-2024, p. 118. Reproduit avec autorisation. | Office of the Correctional Investigator. (2024). Annual Report 2023-2024, p. 118. Reproduced with permission. <https://oci-bec.gc.ca/en/content/office-correctional-investigator-annual-report-2023-24> / <https://oci-bec.gc.ca/fr/content/rapport-annuel-du-bureau-enqueteur-correctionnel-2023-2024>

Hope Behind Bars: Managing Life Sentences in Federal Custody

Excerpts from the Annual Report 2023-2024
of the Office of the Correctional Investigator

OFFICE OF THE CORRECTIONAL INVESTIGATOR



The mission of the Office of the Correctional Investigator is to ensure the fair and humane treatment of persons serving federal sentences. This is done by drawing attention to human rights obligations and holding the CSC accountable for administering federal corrections in a way that is compliant to law, policy and fair decision-making.

The Correctional Investigator is mandated by Part III of the Corrections and Conditional Release Act as an independent Ombudsman for individuals under the custody or supervision of the Correctional Service of Canada. The primary function of the Office is to investigate and bring resolution to individual complaints under its jurisdiction. The Office as well, has a responsibility to review and make recommendations on the Correctional Service's policies and procedures associated with the areas of individual complaints to ensure that systemic areas of concern are identified and appropriately addressed.

SENTENCES AND THE CRIMINAL CODE

As of February 18, 2024, there were approximately 3,600 federal prisoners with indeterminate sentences (i.e., when the term of imprisonment does not have an end date), also known as “Lifers,” representing 26% of the total in-custody population. The term Lifer applies to individuals sentenced as follows:

Those serving a mandatory-minimum life sentence under section 745 of the Criminal Code and who are not eligible for parole until they have served between 10 and 25 years (as determined by the court). Currently, 80% of federal prisoners with indeterminate sentences are serving a mandatory-minimum life sentence (Life-Min).

Those declared a Dangerous Offender (DO) under section 752 of the Criminal Code. Of individuals serving indeterminate sentences, 17% have the DO designation.

Those who are serving a life sentence where there is no mandatory-minimum sentence prescribed in law. Such cases are referred to as Life-Max and a judge can impose a maximum discretionary period prior to parole eligibility. Currently, 3% of those with indeterminate sentences are serving Life-Max.

The remainder (less than 0.5%) of those imprisoned for indeterminate periods are mostly individuals found “not criminally responsible on account of a mental disorder” (NCRMD) and committed to

custody under section 672.54 of the Criminal Code.

POLICY AND LEGISLATIVE CONTEXT

In 1976, with the passage of Bill C-84, Canada was among the first countries to abolish the practice of capital punishment. Following abolition, Canada adopted mandatory-minimum sentences of life in prison. This meant that individuals would remain incarcerated for a prescribed period before being eligible to apply for conditional release. Since the late 1970s, we have seen the courts impose increasing periods of parole ineligibility at sentencing leading to more time behind bars – even beyond parole eligibility dates.

On December 2, 2011, the Protecting Canadians by Ending Sentence Discounts for Multiple Murders

LIFE SENTENCES IN CANADA – AT A GLANCE

Over 3,600 people are serving indeterminate sentences (26% of federal prisoners).

Most (80%) are serving mandatory life with parole ineligibility of 10–25 years.

17% are classified as Dangerous Offenders.

Canada now has some of the harshest parole ineligibility rules in the common law world.]

(Source: Office of the Correctional Investigator, Annual Report 2023–2024)

Act came into force, allowing judges to impose consecutive 25-year parole ineligibility periods for multiple 1st degree homicides. At the same time, through Bill S-6 (the Serious Time for the Most Serious Crime Act), the “Faint Hope” clause was abolished. Before December 2011, this provision under section 745.6 of the Criminal Code allowed individuals serving life sentences to apply to have their parole eligibility reviewed after serving at least 15 years. These legislative changes were made despite findings from a parliamentary study showing that “Canada exceeds the average time served [in custody by an offender with a life sentence] in all countries surveyed.”

As a result of these amendments, Canada’s mandatory-minimum parole ineligibility period for first-degree murder now ranks among the harshest out of similar common law jurisdictions.

In a 2019 report published jointly with Canada’s Human Rights Commission, the Office commented on the impact of indeterminate sentences:

“Canada now ranks among the harshest common law jurisdictions for life sentences.”

“... long periods of incarceration may no longer meet the purpose or original intent of the sentence and may not be necessary from a public safety perspective. In addition, long periods of incarceration may, in some cases, be inconsistent with respect to human dignity.”

This concern was also highlighted by Penal Reform International in its April 2012 briefing, “Life after death: What replaces the death penalty?”

“The conditions of detention for lifers, compounded by the indeterminate nature of the sentences, typically have a profound sociological and psychological impact on prisoners, which negate the rehabilitative purpose of punishment.”

Understandably, community reintegration is not on the immediate horizon for those Lifers who are still at the early stages of their sentence. Most Lifers will serve a significant period of their sentence in prison and will remain under supervision for their lifetime;

that is, if they are supported for parole at all. Over the last two decades, Lifers (excluding Dangerous Offenders) have accounted for 2.7% of all releases, despite representing 20% of the entire federal custodial population within the same period.

While limiting a person’s chances of release, an indeterminate sentence alone should have little bearing on eligibility for lower security classification, so long as they meet the threshold set by section 18 of the Corrections and Conditional Release Regulations. Namely, the classification of minimum, medium, or maximum security is applied based on the degree to which the person being assessed:

- presents a probability of escape and risk to the safety of the public in the event of escape; or,
- requires supervision and control within the penitentiary (i.e., “institutional adjustment”).

Of course, there are additional constraints as determined by law to accessing parole and temporary absences, and most lifers will begin their sentence serving a minimum of two years in maximum security.

Thematic Findings ¹

1. A Biased Security Reclassification Scale (SRS) and Inadequate Assessments of Risk. Temporary Absences, Correctional Plan Updates, Escape Risk, Psychological Risk Assessments.
2. Subject to Unreasonable Behavioural Expectations.
3. Inadequate Integration of “Four Phases of a Life Sentences” into Correctional Plans.
4. Overprogramming and Inappropriate Use of Correctional Interventions. Maintenance Programs. Indigenous Lifers in Pathways. Languishing in Medium-Security Well Past Parole Eligibility Dates.

The current investigation revealed several serious issues with case management and sentence planning. Though some of these do not apply exclusively to Lifers, their effects are compounded by lengthier sentences and a higher threshold of public scrutiny.

A Biased Security Reclassification Scale (SRS) and Inadequate Assessments of Risk.

1. [Editors’ note: The following excerpts are drawn from the “Thematic Findings” section of the OCI Annual Report 2023–24.]

Security reclassification decisions for men are informed by an actuarial tool, the Security Reclassification Scale (SRS), in conjunction with the structured professional judgment of an individual's public safety risk, escape risk, and institutional adjustment. For the great majority of cases in our review (83%), we found reclassification decisions to align with the recommendations produced by the SRS. However, we also found that security reclassification assessments lacked a thoughtful accounting of risk and overlooked obvious biases built into the SRS that disadvantage Lifers.

Temporary absences

"Only four of 35 Lifers in our review were able to complete an Escorted Temporary Absence."

An example of how the SRS systematically disadvantages Lifers is in its inclusion of temporary absences. In theory, temporary absences serve as an important correctional tool in the rehabilitative process, facilitating the safe and timely movement of sentenced individuals to lower security levels and, eventually, their release and reintegration. However, Lifers in medium-security facilities struggle to access temporary absences, undermining their ability to demonstrate readiness for lower security, directly impacting their SRS score. In our case review, we found that 66% (23 out of 35) had applied for ETAs, 15 of these were approved, but only four individuals completed an ETA.

At the same time, many staff reported an increased demand from decision-makers for successful Escorted Temporary Absences (ETAs) before supporting Lifers for minimum security. More precisely, decision-makers are citing the lack of successful ETAs to justify maintaining Lifers at higher security. However, staff often questioned this requirement, unconvinced that ETAs actually mitigate risk or help prepare individuals for lower security placements, despite insistence from decision makers (example provided in the original document).

Correctional Plan Updates

The Correctional Plan (CP) Update plays a major role in the security reclassification review. However, it is common knowledge that CP updates for Lifers are rarely completed on a timely basis and do not always reflect the actual progress a person

has made. Yet, security reclassification reviews, including the SRS scale, refer to progress made against the Correctional Plan to inform decision-making. As of February 18, 2024, individuals with determinate sentences had their CP updated two to three times more recently than those with indeterminate sentences.

"I was told I would not be supported for anything until 15 years into my sentence." – Lifer

Given these timeframes, security reclassification reviews are therefore often based on outdated events and assessments that overshadow recent progress made by Lifers. While CSC acknowledged this issue in a Case Management Bulletin dated, February 26, 2024, reminding staff that "...the Correctional Plan will identify the objectives and significant events for the offender to gain support for reduced security classification," its implementation remains challenging.

Overprogramming and Inappropriate Use of Correctional Interventions

Virtually all the lifers in our review were assessed as "engaged" with their Correctional Plans. At the time of writing, we found that the lifers in our review had completed an average of four correctional programs each, virtually all were consistently employed, over 80% completed or were in school, and more than a quarter were enrolled in post-secondary studies

"I have applied to minimum. They keep telling me it's too early. I was told I would not be supported for anything until 15 years into my sentence. Yet, I have completed my core program, I am working and engaged in my Correctional Plan." – Lifer

CONCLUSION

As has been shown through this investigation, the inherent bias in the Security Reclassification Scale (SRS) and poorly prepared risk assessments pose systemic barriers for Lifers during their security reclassification review. This is further exacerbated by inadequate sentence management and planning. The cumulative effect of these shortcomings in policy and practice is that Lifers are kept at higher security levels for longer periods with no clear rehabilitative or reintegrative purpose. Rather than requiring staff to satisfy long and arbitrary checklists, the Correctional Service of Canada should

be developing risk mitigation strategies to support Lifers in their eventual reintegration. Too often, in order to appease public outcry and scrutiny, national direction and operational decisions are made in light of a small number of high-profile cases that thwart the reintegration process for a great many others. We acknowledge that supporting the reintegration of Lifers can carry political risk; however, arbitrarily maintaining individuals at higher security levels is unlawful and contributes little, if anything, to the public safety of Canadians.

“...arbitrarily maintaining individuals at higher security levels is unlawful and contributes little, if anything, to the public safety of Canadians.”

Recommendations

[Excerpted and reformatted from lettered points in the original report]

I recommend that CSC review and revise security reclassification processes to:

- provide additional support to staff in preparing risk assessments and recommendations; and, ensure a thorough and mandated review of decisions that would reclassify Lifers from minimum to medium security. These decisions should require an exhaustive consideration and actioning of risk mitigation strategies.

I recommend that CSC review its policies around Correctional Plan Updates with the aim to:

- reduce delays in completing updates for Lifers; and, discontinue the imposition of unreasonable behavioural expectations.

I recommend that CSC review its Sentence Planning process and provide support to staff in developing individualized sentence plans for Lifers.

I recommend that CSC draw on the experience and expertise of national voluntary organizations, such as the St. Leonard's Society of Canada and the PeerLife Collaborative, to provide support to federal Lifers from intake to community release. Further, these organizations should be supported by:

- providing a significant increase in funding and access commensurate with their identified needs;
- involving them in ongoing discussions, planning, projects, and strategies pertaining to the life-sentenced population; and,

- supporting their efforts to provide peer support and opportunities for gang disaffiliation within federal prisons.

I recommend that CSC review the requirement for Psychological Risk Assessments for individuals seeking transfers to minimum security, with the aim to reduce delays that impede timely decision-making.

I recommend that CSC's National Lifer Strategy:

- explicitly acknowledge and integrate the findings of this investigation;
- be national in scope and responsive to the experiences of Lifers at all security levels;
- draw from consultations with incarcerated Lifers, the staff directly involved in Lifer case management, and external stakeholders; and
- be made public with specific timelines for how CSC plans to address the concerns raised in this investigation, along with other concerns identified through consultations.

APPENDIX

Life-Min Population: Profile and Location Statistics

The representation of Indigenous individuals with Life-Min sentences is lower than for the total prisoner population (29.4% compared to 33.1%); however, Black prisoners have a greater representation among those sentenced to Life-Min (12.2% compared to 9.7% of all federal prisoners). Women make up a slightly smaller proportion of those with Life-Min sentences (4.6%) compared to their representation within the total prisoner population (5.6%). In age, those with Life-Min sentences tend to be older (47.9 years compared to 41.8 years for all federal prisoners), owing perhaps to their longer sentences and lengthier periods of parole ineligibility.

Editors' note: This article draws on excerpts from the 2023–2024 Annual Report of the Office of the Correctional Investigator. The footnotes and references are also taken from the original report: <https://oci-bec.gc.ca/en/content/office-correctional-investigator-annual-report-2023-24>

Life Imprisonment Beyond Canada: Comparative Trends in Europe, Australia, and the United States

CATHERINE APPLETON, ZINAT JIMADA, AND DIRK VAN ZYL SMIT

This article examines global trends in life imprisonment, comparing Canada's practices to those in Europe, Australia, and the United States. Drawing on their global study, Appleton, Jimada, and Van Zyl Smit highlight a worrying rise of life imprisonment without parole and of shifting legal frameworks. While Europe emphasizes rehabilitation and the "right to hope," the U.S. relies heavily on "death by incarceration," and Canada has grown increasingly punitive despite the 2022 Bissonnette ruling striking down irreducible life sentences. Marking 50 years since Canada's abolition of the death penalty, the authors call for reflection on the protection of human rights and human dignity, proportionality, and the necessity of life imprisonment as the ultimate sanction.

INTRODUCTION

With the death penalty now abolished in many countries, life imprisonment has emerged as the most severe penalty in most modern criminal justice systems. To mark the 50th anniversary of Canada's abolition of the death sentence, this article draws on findings from a global study on life imprisonment. It compares the prevalence and use of life imprisonment in Canada with practices and trends in Europe, Australia, and the United States. The article concludes that both mandatory life sentences and the length of the minimum periods that persons sentenced to life imprisonment in Canada must serve should be reconsidered.

THE PREVALENCE OF LIFE

As of 2014, formal life imprisonment can be imposed in 183 out of a total of 216 countries and territories worldwide, and is the most severe criminal penalty in 149 countries, including Canada (Van Zyl Smit and Appleton, 2019: 87). Life imprisonment also serves as the maximum penalty in international criminal courts and tribunals. Far fewer countries – 54 in total – retain the death penalty as their ultimate penalty during peacetime (Amnesty International, 2024: 42). However, the nature and use of life imprisonment vary significantly across jurisdictions. Most countries allow for parole eligibility after a fixed period of imprisonment (life imprisonment with parole or LWP sentences) while some allow for life imprisonment without parole (LWOP), which



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can effectively ensure convicted individuals remain incarcerated until they die in prison. There are also a small number of countries, such as Portugal and Brazil, that do not allow for the imposition of any type of life imprisonment or the death penalty but instead provide for a fixed-term sentence as their ultimate sanction. Such countries, however, are in the minority, and life-sentenced prison populations around the world have increased over recent decades.

Our global study estimated that between 2000 and 2014, the number of people serving life sentences worldwide increased by 84 percent, rising from an estimated 261,000 to an estimated 479,000 individuals (Van Zyl Smit and Appleton, 2019: 97). While obtaining comprehensive, accurate, and up-to-date figures on life-sentenced populations remains difficult – or near impossible in some countries – available data show a growing reliance on life sentences in many jurisdictions. This trend is particularly evident in some European countries, Australia, and the United States, where life imprisonment has become the predominant alternative to the death penalty.

THE GROWTH OF LIFE IN EUROPE, AUSTRALIA, AND THE UNITED STATES

Europe's approach to life imprisonment reflects the continent's diverse legal traditions, resulting in a complex and varied penal landscape. In most nations – including Austria, Belgium, Finland, France, Germany, Greece, Italy, Spain, and Sweden – life sentences include the possibility of parole eligibility after a fixed minimum term of imprisonment has been served, typically ranging between 12 and 25 years. The European Court of Human Rights has played a pivotal role in shaping life imprisonment policies and practices, asserting that indeterminate sentences must allow for a realistic prospect of review and release, thereby affirming the principle of a “right to hope” (*Vinter and Others v. United Kingdom*, 2013). Hence, the overarching approach and purpose of life imprisonment should emphasise rehabilitation and a pathway towards release, rather than focusing solely on retribution and incarceration.

However, two notable exceptions in Europe exist: the United Kingdom and Turkey. Both countries have developed life imprisonment systems that include both LWOP and LWP sentences. Significantly, the United Kingdom and Turkey accounted for the majority of Europe's life-sentenced population. Between 2000 and 2020, the total life-sentenced

prison population in Europe almost doubled, from just over 15,000 individuals to almost 29,000, an increase of 93 percent. In 2020, these two countries alone represented more than half – 58 percent – of all life sentenced individuals in Europe (Appleton et al., forthcoming). Significantly, LWOP sentences can also be imposed in Serbia, where life imprisonment was only introduced in 2019, prior to which a determinate 40-year sentence was the maximum penalty.

Australia has also seen an overall rise in the use of life imprisonment. In Australia, each state operates under its own legal framework, primarily applying life sentences to murder and other serious offences. While some jurisdictions allow for parole eligibility, others mandate LWOP sentences. Between 2000 and 2023, the life-sentenced prison population in Australia rose by 31 percent, from 769 to 1,008 individuals (Australian Bureau of Statistics, 2024). This growth aligns with legal reforms that have restricted parole eligibility, reflecting a broader shift toward more punitive justice measures (Freiberg et al., 2018). Additionally, mandatory sentencing laws in five of Australia's eight jurisdictions have further driven this rise, with laws stipulating mandatory life sentences, even LWOP, for certain offences, including those committed by children.

Scholars have highlighted that legislative and judicial authorities in Australia have given little consideration to the human rights implications of life sentences, particularly LWOP (Fitz-Gibbon, 2016: 82). Critics further contend that mandatory life imprisonment contravenes fundamental legal principles, including proportionality, equality before the law, and the protection of human rights and human dignity. Moreover, similar concerns have been raised about discretionary life sentences as the ultimate penalty, with the argument that “liberty is an important human right that cannot be negated indefinitely by state punishment” (Anderson, 2012: 778).

While life imprisonment rates have been increasing in Europe and Australia, the United States holds a larger life-sentenced prison population than any other country – and more than European nations and Australia combined, despite having a smaller overall population than Europe. Nellis and Barry (2025: 2) reported that in 2024, one in six people (194,803 individuals) in prison in the United States was serving a life sentence, including 56,254 individuals serving LWOP sentences, 97,160

serving LWP sentences, and 41,398 serving virtual life sentences of 50 years or more. Between 2012 and 2024, the number of individuals serving LWP actually declined, from 110,439 to 97,160. However, the number of people serving LWOP over the same period increased, from 49,080 to 56,245 (Nellis and Barry, 2025: 5).

Drawing on their findings, Nellis and Barry (2025: 3) argue that LWOP sentences must be abolished: they are cruel, dehumanizing, ineffective, and offer no consideration for rehabilitation. To counter such extreme sentencing trends, they propose capping prison terms at 20 years for adults (with rare exceptions) and 15 years for children and young adults.

BUT WHAT ABOUT LIFE IN CANADA?

The life-sentenced prison population in Canada rose from 2,667 individuals in 2008 to a peak of 3,051 in 2019, before falling to 2,943 in 2022 (Public Safety Canada, 2024). These figures, however, exclude those incarcerated by indeterminate sentences as “dangerous offenders” under section 752 of the Criminal Code, or those serving life sentences on parole in the community. The Annual Report of the Office of the Correctional Investigator (2024: 127) noted that: “As of February 18, 2024, there were approximately 3,600 federal prisoners serving indeterminate sentences (i.e. when the term of imprisonment does not have an end date), also known as Lifers, representing 26% of the total in-custody population”. This includes both formal life imprisonment and other types of indeterminate sentencing – often referred to as informal life imprisonment – in Canada (see Penal Reform International et al., 2024).

The growth in the total prison population serving indeterminate sentences has largely been driven by Canada’s decision in 1976 to replace the death penalty with mandatory minimum life sentences for murder (see Manson, 1990), alongside increasing parole ineligibility periods over time, and longer incarceration beyond initial parole eligibility dates (Parkes et al., 2022). First-degree murder in Canada carries a mandatory life sentence with 25 years of parole ineligibility, while for second-degree murder, ineligibility ranges from 10 to 25 years, set by a judge.

A legislative change in 2011 allowed judges to impose consecutive 25-year parole ineligibility periods for multiple murders, effectively introducing

LWOP sentences. However, in 2022, the Supreme Court of Canada struck down this provision in *R. v. Bissonnette*. Citing principles from the European Court of Human Rights, the Court prohibited consecutive parole periods on the basis that they amounted to a de facto whole life sentence. It established that the maximum period of parole ineligibility must be limited to 25 years, even for individuals convicted of multiple offences for which life imprisonment had to be imposed (see Van Zyl Smit, 2022).

Yet, Canada’s mandatory 25-year minimum parole ineligibility period for first-degree murder significantly exceeds the average minimum period of 18.3 years calculated in our global study across 98 countries, with a median of 18 years and a mode of 15 years (Van Zyl Smit and Appleton, 2019: 267-8). Overall, it would appear that mandatory minimum sentences, lengthy parole ineligibility periods, and shifting correctional policies have contributed to the steady rise in life imprisonment in Canada, reflecting an increase in punitiveness towards individuals who are so sentenced.

CONCLUDING THOUGHTS

Life imprisonment has become the dominant punitive response to serious crimes in many death penalty abolitionist jurisdictions, yet its application remains highly variable. While Europe – guided by the European Court of Human Rights – largely rejects de jure LWOP sentences, exceptions such as the United Kingdom and Turkey illustrate the continuing populist appeal of whole life sentences, also known as “death by incarceration” (Johnsen and McGunigall-Smith, 2008: 328). Australia’s diverse system has seen a rise in both LWOP and LWP sentences, reflecting a broader punitive shift. Meanwhile, the United States stands apart globally in its expansive and entrenched use of LWOP sentences, despite growing condemnation of their cruelty and inefficiency.

Canada’s approach to life imprisonment, though more constrained than that of the United States, has also grown increasingly severe, with parole ineligibility periods exceeding global averages and the indeterminate prison population steadily expanding. Although the Bissonnette decision aligns Canada with European human rights principles by prohibiting LWOP, mandatory life imprisonment for murder, coupled with unusually long parole ineligibility periods, persist. The Office of the

Correctional Investigator (2024) has highlighted that individuals serving life or indeterminate sentences – those without a fixed end date – now comprise over a quarter of the federal prison population, raising significant concerns about the erosion of proportionality and hope within the system.

As life imprisonment continues to displace the death penalty worldwide, many states are grappling with important normative and practical questions about justice, human dignity, and the limits of state power. As Canada commemorates 50 years without the death penalty, greater insights from other systems that prioritize the possibility of release and reintegration, placing hope and human dignity at the center of penal policy, are needed. In practice, consideration should be given as to whether mandatory life terms are always appropriate; allowing judicial discretion in life sentencing could reduce the overall life imprisonment population. Similarly, lengthy mandatory minimum periods, such as the 25-year minimum term for first-degree murder, may be questioned as disproportionately severe. Finally, the existence of abolitionist countries like Portugal and Brazil, where neither the death penalty nor life or any form of indeterminate imprisonment is permitted, and from which lessons can be learned, serves as a powerful reminder that the very necessity of life imprisonment may be challenged.

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RÉSUMÉ

LIFE IMPRISONMENT BEYOND CANADA: COMPARATIVE TRENDS IN EUROPE, AUSTRALIA AND THE UNITED STATES
CATHERINE APPLETON, ZINAT JIMADA, AND DIRK VAN ZYL SMIT

Cet article examine les tendances mondiales en matière de détention à perpétuité, en comparant le Canada, l'Europe, l'Australie et les États-Unis. Appleton, Jimada et Van Zyl Smit y soulignent la montée inquiétante des peines sans libération conditionnelle et l'évolution des cadres juridiques. L'Europe mise sur la réinsertion et le « droit à l'espoir », tandis que les États-Unis recourent massivement à la « mort en prison », et que le Canada devient plus punitif malgré l'arrêt Bissonnette de 2022. Cinquante ans après l'abolition de la peine de mort, les auteurs invitent à réfléchir à la dignité humaine, à la proportionnalité et à la nécessité de la perpétuité comme sanction ultime.

Room at the Inn

JOHN RIVES

John Rives, serving a life sentence, offers a stark poetic meditation on the lived experience of incarceration in a Canadian penitentiary. Drawing from eight years in federal custody, Rives evokes the terror of the prison setting – blood-stained mattresses and the ghosts of those who came before. His writing lays bare the desolation and futility of institutions that implausibly claim to offer rehabilitation under inhumane conditions. Rives confronts the psychological toll of life in prison, describing himself and others as “forgotten sacrifices” – disposable, blemished lambs entombed in steel and concrete.

Room at the Inn

An empty cell.
A door grinds open,
I move in.

Strung up, slashed-up,
shanked, or did he just
check in (to protective custody)?
Dumped, suicide, humiliation and release –
the life of a previous occupant.
So little to sweep clean.
No trace of blood
this time. No mattress stain.
No mattress.

I’ve slept in the pen.
Six cells, two prisons,
eight years in the Federal system.
A single breath erases any mark
which could betray a coming or a going.
Someone else inhales the space.

Exhales its captive air.
Inhales, exhales.
In –
 himself adulterously joins
his blood to oxygen
to ventilation shafts to fans,
motors, steel and concrete beams.

I found a note behind this desk,
"owe carton to Sammy for pot".
A phrase revealing as a hieroglyph,
though far less cryptic. I read
it as a reservation for the scribe
in solitary. Insarcophagation.



JOHN RIVES

John Rives holds bachelor’s degrees in both Geology and History from the University of Toronto. He has published four book-length collections of poetry: *Dead Time* –

Poems from Prison (1989), *Shackles and Silence – Poems from Prison* (1992) and *The Perfection of Guilt* – new and selected poems (2008) all from Mini Mocho Press; and *In Extremis* (2024) from Weaverwood Press, which is available by print-on-demand from Amazon.ca. His award-winning poetry and writing on justice issues has appeared in periodicals in Canada, the United States and the United Kingdom and he has lectured widely at secondary schools, colleges and universities. John was convicted of Second-Degree Murder and Attempt Murder in 1982 and was sentenced to life in prison with parole eligibility set at 10 years. He was granted full parole in 1992. John currently resides in Kingston, Ontario with his small terrier dog Cindy Lou and will remain on parole for the rest of his life.

At any rate, he moved.
Then I moved. That is,
They
moved me.

From graveyard to charnel house,
make way, make way,
they'll stack us if they have to
(and call it temporary triple bunking).
There's always room for one more
blemished lamb.

So tell me,
Why is only ugliness reserved
for all men equally?

We are forgotten sacrifices;
tenants
you entombed alive
for punishment?, deterrence?, rehabilitation?,
no one can remember why.

At least the Gideons took time
to leave us icons,

an empty cradle and a dry-eyed pieta.
Offers of
comfort, custom made
for unrepentant stable-dwellers
and for us.

But who are we?

It's up to you to name
the irredeemable –

you name the soulless beast.

Awakening to open eyes, asleep with open eyes

I nearly lost you in my dream.
There was an instant when I failed
to look you in the eyes –
to catch the fire and the water.
Where are you?

Shards of shattered mirrors
pour in flashing silver streams –
as falling stars
erase the blackness of this night.
I can forget about my broken past
each moment
as I dive into the sparkling fountain
of your eyes.
Wounds cool.
Stars burn
and quench to cinders,
still you spark away.
Away.
Come settle my reflection
on your waters.
Where are you?
Come find us.

I need only close my eyes
to see you
seeing me.

Source: Rives, J. (1992). In *Shackles and silence: Poems from prison* (J. Strecker, Ed.). Mini Mocho Press. Reprinted with permission.

RÉSUMÉ

ROOM AT THE INN

JOHN RIVES

John Rives, purgeant une peine à perpétuité, livre une méditation poétique percutante sur l'expérience vécue de l'incarcération dans un pénitencier canadien. S'appuyant sur huit années passées sous garde fédérale, Rives évoque la terreur du milieu carcéral – matelas tachés de sang et fantômes des anciens détenus. Son écriture met à nu la désolation et l'absurdité de ces institutions qui prétendent offrir une réhabilitation, malgré des conditions inhumaines. Rives confronte le poids psychologique de la vie en prison, décrivant lui-même et d'autres comme des « sacrifices oubliés » – des agneaux souillés et jetables, ensevelis dans l'acier et le béton.

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